THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

RE
REFERENCE ONLY

PARL. PAPERS
FOR REFERENCE ONLY.

Presented by
the Worshipful Company
of Goldsmiths.
1903.

619834

Digitized by the Internet Archive
in 2026

https://archive.org/details/parliamentary-debates_april-july-1817_36

Parliamentary Debates

VOL. XXXVI.

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITULED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XXXVI.

COMPRISING THE PERIOD
FROM
THE TWENTY-EIGHTH DAY OF APRIL,
TO
THE TWELFTH DAY OF JULY,
1817.

LONDON:

PRINTED BY T. C. HANSARD, PETERBOROUGH-COURT, FLEET-STREET:
FOR BALDWIN, CRADOCK, AND JOY; J. BOOKER; LONGMAN, HURST, REES, ORME, AND BROWN; J. M. RICHARDSON; BLACK, PARBURY, AND ALLEN; J. HATCHARD; J. RIDGWAY AND SONS; E. JEFFERY; RODWELL AND MARTIN; R. H. EVANS; BUDD AND CALKIN; J. BOOTH; AND T. C. HANSARD.

1817.

BIBL.
LONDIN.
UNIV.

TABLE OF CONTENTS

TO

VOLUME XXXVI.

I. Debates in the House of Lords.
II. Debates in the House of Commons.
III. Accounts.
IV. Prince Regent's Speeches.
V. Prince Regent's Messages.
VI. Parliamentary Papers.
VII. Petitions.
VIII. Protests.
IX. Reports.
X. Lists.

I. DEBATES IN THE HOUSE OF LORDS.

1817.		*Page*
Apr. 28.	Academical Society—Seditious Meetings Bill	1
30.	Lord Sidmouth's Circular Letter	87
May 1.	Academical Society—Seditious Meetings Bill	93
2.	Lord Sidmouth's Circular Letter	106
8.	Roman Catholic Question	266
9.	Extents in Aid	296
	Poor Laws	297
12.	Roman Catholic Petition	442
	Earl Grey's Motion respecting Lord Sidmouth's Circular Letter	445
13.	Libel Law—Lord Sidmouth's Circular Letter	531
14.	Gas Light Companies	559
16.	Roman Catholic Question	600
June 3.	The New Speaker approved by the Prince Regent	856
	Roman Catholic Question	858
	The Prince Regent's Message respecting the Continuance of Seditious Practices	859
	A Secret Committee appointed	860
	Lord Holland's Motion respecting the Right of Magistrates to visit State Prisoners	869
5.	Lord Colchester	888
10.	Poor Employment Bill	928

Page
June 12. Second Report of the Secret Committee respecting certain Dangerous Meetings and Combinations 949
13. Tomkin's Picture Lottery Bill 956
Habeas Corpus Suspension Bill 959
16. Persons confined under the Habeas Corpus Suspension Act 972
Habeas Corpus Suspension Bill 975
19. Habeas Corpus Suspension Bill 1044
27. Military and Naval Officers Oaths Bill 1204
30. Abolition and Compensation Offices Bills 1254
July 1. Clergy Residence Bill 1277
Saving Banks Bill 1278
7. Sir F. Burdett, bart. *v.* The Speaker and Serjeant of the House of Commons 1299
10. Poor Laws 1365
Slave Trade 1366
Irish Grand Jury Presentments Bill 1368
12. The Speaker's Speech to the Prince Regent on presenting the Appropriation Bill 1446
The Prince Regent's Speech at the Close of the Session 1448

II. DEBATES IN THE HOUSE OF COMMONS.

Apr. 28. Civil and Military Offices Compensation Bill 3
Petition of the Roman Catholics of Ireland 3
Petitions relating to Reform &c: 15
Petition of the Academical Society respecting the Seditious Meetings Bill 17
Address and Petition of the Distressed Mechanics of Birmingham 21
Recovery of Small Debts 25
Issue of Exchequer Bills for purposes of Local and Temporary Relief 27
29. Salt Laws Bill 48
Finance Committee 50
Mr. Tierney's Motion respecting the Office of Third Secretary of State 51
Academical Society 83
30. Clergy Residence Bill 88
Lead Mines Bill 92
May 1. Wool Trade 94
Roman Catholic Claims 96
Administration of Justice in Wales 97
Usury Laws Repeal Bill 100
2. Breach of Privilege—The Rev. Thomas Thirlwall 107
Irish Grand Jury Presentments Bill 115
5. London Tithes Bill 120
Game Preservation Bill 126
First Report of Finance Committee—Abolition of Sinecures 128
6. Imprisonment for Contempt of Court 158

TABLE OF CONTENTS.

Page
May 6. Mr. Lambton's motion respecting Mr. Canning's Embassy to Lisbon 160
7. Exportation of Cotton Yarn 235
Wrongous Imprisonment at Glasgow—Petition of John Montgomery 237
Treaty of Commerce and Navigation between Great Britain and the Two Sicilies 239
Breach of Privilege—The Rev. Thomas Thirlwall 243
Alien Proprietors of Bank Stock 252
Duration of Elections 256
Case of Mary Ryan 257
8. Steam Boats 271
Military Flogging 272
Mr. Bennet's Motion respecting Mr. Herries's Appointment 273
Tithes Leasing Bill 294
9. Military Flogging 300
Roman Catholic Question 301
12. Army Estimates 516
13. Forfeited Recognizances in Ireland 533
Undue Remission of Punishment—Petition of Thomas Griffiths 535
Army Estimates 537
14. Irish Grand Jury Presentments 562
Employment of the Poor Bill 569
15. Military Flogging 574
Renewal of the Habeas Corpus Suspension Act—Call of the House 576
Sir John Newport's Motion on the State of the Irish Finances... 578
Civil Offices Continuance Bill 596
16. Saving Banks Bill 680
Clergy Residence Bill 683
19. Habeas Corpus Suspension Bill 685
Lottery Bill 686
Justices in Eyre Abolition Bill 689
Civil Services Compensation Bill 691
20. Petitions from Dublin and Cork for a Reform in Parliament ... 701
Sir Francis Burdett's Motion for a Committee on the State of the Representation 704
21. Repeal of the Septennial Act 812
Irish Insurrection Act 812
Motion for Communications between the Home Department and Mr. Poole 813
Employment of the Poor Bill 818
22. Bankrupt Laws 819
Abuses in the Convict Department at Cork 822
Education of the Poor 822
Window and Carriage Tax in Ireland 823
Linen Transit Duties 826
Extents in Aid 830
23. Saving Banks Bill 833

TABLE OF CONTENTS.

Page

May 23. Irish Insurrection Bill 835

30. Resignation of the Speaker 842

June 2. Choice of a Speaker 843

3. Breach of Privilege—Police Report 882

Motion respecting Lists of Witnesses served on the Prisoners in the Tower 882

Prince Regent's Message respecting Lord Colchester 884

5. Chimney Sweepers 889

Lord Colchester 890

Prince Regent's Message relating to Seditious Meetings--A Secret Committee appointed 897

6. Lord Colchester 909

Ale-houses Licences Regulation Bill 910

Extents in Aid—Petition of Mr. Evennett 914

Civil Services Compensation Bill 916

9. Lord Colchester 916

Game Bill 921

10. Punishment of Whipping Females 932

Extents in Aid 933

Civil Services Compensation Bill 933

11. Motion respecting Persons in Confinement under the Habeas Corpus Suspension Bill 938

Borough of Haslemere—Petition of John Greenaway 945

13. Irish Grand Jury Presentments Bill 959

Irish Insurrection Act Continuance Bill 960

16. Spies and Informers 1016

17. Newfoundland Trade 1023

18. Motion respecting the Right of Magistrates to visit State Prisoners 1025

Borough of Haslemere—Petition of James Greenaway 1040

19. Copy Right Bill 1063

Spies and Informers 1069

Tithe Exemptions Bill 1070

State of Ireland 1076

20. Habeas Corpus Suspension Bill 1077

Committee of Secrecy 1081

Second Report of the Committee of Secrecy 1088

The Budget 1098

23. Habeas Corpus Suspension Bill 1109

24. Election Laws Amendment Bill 1144

Confiscation of Property in Denmark 1144

Habeas Corpus Suspension Bill 1145

25. Chimney Sweeper's Regulation Bill 1155

Transubstantiation—Idolatrous Worship 1157

Sir Samuel Romilly's Motion respecting Lord Sidmouth's Circular Letter 1158

26. Repeal of the Septennial Act 1187

Mr. Tierney's Finance Resolutions 1188

Petition of Mr. Wooler 1189

Page
June 26. Habeas Corpus Suspension Bill 1198
27. Petition of Thomas Evans 1205
Habeas Corpus Suspension Bill 1208
30. Usury Laws Repeal Bill 1266
Droits of Admiralty 1268
Irish Grand Jury Presentments Bill 1268
July 1. Petition of Mr. Evans 1278
Mr. Grant's Finance Resolutions 1281
2. Petition of Mr. Evans 1282
3. Newfoundland Trade 1293
4. Ale-houses Licences Bill 1298
7. Steam Vessels Regulation Bill 1302
Education of the Poor 1303
Police of the Metropolis 1304
Maynooth College 1306
9. Mr. George Manners 1320
Slave Trade 1321
State of the Public Finances 1336
11. Motion for a New Writ for Wicklow in the Room of Mr. Ponsonby 1373
Mr. Brougham's Motion on the State of the Nation 1377

III. ACCOUNTS.

FINANCE ACCOUNTS OF GREAT BRITAIN AND IRELAND FOR THE YEAR ENDING THE 5TH OF JANUARY 1817.

GREAT BRITAIN. ...... I. Public Income .... *Appen.* i
II. Consolidated Fund and Permanent Taxes xi
III. Arrears and Balances xix
IV. Trade and Navigation xix
V. Public Expenditure xxiii
VI. Public Funded Debt xliii
VII. Unfunded Debt liii
VIII. Disposition of Grants liii
IRELAND. .... I. Public Income lxiii
II. Consolidated Fund lxv
III. Arrears and Balances lxvii
IV. Trade and Navigation lxvii
V. Public Expenditure lxix
VI. Public Funded Debt lxxvii
VII. Unfunded Debt lxxix
VIII. Disposition of Grants lxxix

IV. PRINCE REGENT'S SPEECHES.

July 12. Prince Regent's Speech at the Close of the Session 1448

V. PRINCE REGENT'S MESSAGES.

Page

June 3. Prince Regent's Message respecting the Continuance of Seditious Practices 859

- - - - - - - - - - - - - - - - respecting Lord Colchester 885

VI. PARLIAMENTARY PAPERS.

Circular Letter from Lord Sidmouth, to the Lords Lieutenant of Counties in England and Wales: together with the Opinion of the Law Officers of the Crown 447

Treaty of Commerce and Navigation between Great Britain and the Two Sicilies, done at London the 26th September 1816. 239

VII. PETITIONS.

Apr. 28. Petition of the Roman Catholics of Ireland 9

- - - - - of the Academical Society relative to the Seditious Meetings Bill 17

- - - - - of the Distressed Mechanics of Birmingham........... 23

VIII. PROTESTS.

June 3. Protest respecting the Right of Magistrates to visit State Prisoners 878

IX. REPORTS.

June 12. Report (Second) of the Secret Committee of the House of - - - - - Lords respecting Certain Dangerous Meetings and Combinations 949

20. - - - - - (Second) of the Secret Committee of the House of Commons respecting certain Dangerous Meetings and Combinations 1088

- - - - - (Fourth) from the Select Committee on Finance, respecting the Probable Income and Expenditure for the years ending 5th of January 1818 and 5th of January 1819 ....*Appen.* xxxi

X. LISTS.

Apr. 29. List of the Minority in the House of Commons, on Mr. Tierney's Motion respecting the Office of Third Secretary of State 82

TABLE OF CONTENTS.

Page

May 6. List of the Minority in the House of Commons, on Mr. Lambton's Motion respecting Mr. Canning's Embassy to Lisbon 234

8. - - - of the Minority in the House of Commons, on Mr. Bennet's Motion respecting Mr. Herries's Appointment... 294

9. - - - of the Majority, and also of the Minority, in the House of Commons, on Mr. Grattan's Motion for taking into consideration the State of the Laws affecting Roman Catholics 438

13. - - - of the Minority in the House of Commons, on Mr. Calcraft's Motion for the further Reduction of the Army... 559

16. - - - of the Majority, and also of the Minority, in the House of Lords, on the Earl of Donoughmore's Motion for going into a Committee on the Roman Catholic Petitions...... 678

19. - - - of the Minority in the House of Commons, on the Lottery Bill 687

- - - of the Minority in the House of Commons, on the Civil Services Compensation Bill........ 701

20. - - - of the Minority in the House of Commons, on Sir Francis Burdett's Motion for a Committee on the State of the Representation 812

June 2. - - - of the Minority in the House of Commons, on the Choice of a Speaker 855

5. - - - of the Minority in the House of Commons, on the Appointment of a Secret Committee 906

10. - - - of the Minority in the House of Commons, on the Civil Services Compensation Bill 937

11. - - - of the Minority in the House of Commons, on Lord Folkestone's Motion for a List of the Persons in Confinement under the Habeas Corpus Suspension Bill 944

16. - - - of the Minority in the House of Lords, on the Habeas Corpus Suspension Bill 1016

18. - - - of the Minority in the House of Commons, on Lord Folkestone's Motion respecting the Right of Magistrates to visit State Prisoners........ 1040

- - - of the Minority in the House of Commons, on the Motion for receiving the Petition of James Greenaway relative to the Haslemere Election 1044

19. - - - of the Minority in the House of Commons, on Sir John Newport's Motion respecting the State of Ireland 1077

23. - - - of the Minority in the House of Commons, on the First reading of the Habeas Corpus Suspension Bill 1143

25. - - - of the Minority in the House of Commons, on Sir Samuel Romilly's Motion respecting Lord Sidmouth's Circular Letter........ 1187

26. - - - of the Minority in the House of Commons, on the Duration of the Habeas Corpus Suspension Bill 1202

27. - - - of the Minority in the House of Commons, on the third reading of the Habeas Corpus Act........ 1253

- - - of Public Acts passed in the Fifth Session of the Fifth Parliament of Great Britain and Ireland........ *Appen.* cv

PARLIA-

THE

Parliamentary Debates

During the Fifth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-eighth Day of January 1817, in the Fifty-seventh Year of the Reign of His Majesty King GEORGE the Third.

[*Sess.* 1817.

HOUSE OF LORDS.

Monday, April 28, 1817.

ACADEMICAL SOCIETY—SEDITIOUS MEETINGS BILL.] The Earl of *Darnley* said, it would be in the recollection of their lordships, that when the Seditious Meetings bill was under discussion, there was no objection which had been so much insisted upon by those who opposed the bill as the discretionary powers given to the magistrates; but he believed that even those who had urged that objection most strongly, had never anticipated a case so extraordinary as that of the Academical Society, to which society a licence had, been refused by the magistrates of the city. This society had existed for 20 or 30 years, and consisted of most respectable persons, members of the universities and inns of court; and they intended, as he was informed, to present petitions to both Houses of Parliament, which would bring the subject before the House in a more regular and formal manner. He did not think it proper, therefore, at present to go more at large into the case of that particular society; but he could not suffer a day to pass without asking, for the sake of the public, whether this was the construction really put upon the act by the framers of it, or by the legislature? He conceived it impossible that such could have been their meaning. Application was made to the magistrates, in behalf of this society, for a licence, and they were informed that it was the practice of that society to discuss literary, historical, and political subjects. The magistrates insisted, that no licence ought to be granted, unless the questions were previously laid before them; and ultimately refused the licence, giving as a reason for the refusal, that the object of the act was to prevent all political discussion whatever. It was not on account of this society in particular that he was now speaking, but on account of all the subjects of this country. They had been taught to believe that they were living under a free constitution; and though he had not concurred in the provisions of the act in their utmost extent, yet even after that act passed, he had conceived that some freedom had still been left to the people of England to discuss political subjects. He did not believe that the noble secretary of state had interfered in this business as he had done on a late occasion in another matter. He could not believe that the noble secretary could have sent instructions to the magistrates to act as they had done: but rather thought that the noble secretary would feel himself under some obligation to him for giving him this opportunity to explain. But if it was possible that such a construction could be put on the act, unless the House was willing to forfeit every claim to the confidence of the country, it ought not to lose an hour without proceeding to a revision of the act, in order to amend it, so as to prevent the possibility of such a misconstruction.

Lord *Sidmouth* said, he had no objection to state that, according to his belief, neither the framers of the act, nor those who supported it, ever intended that it should put an end to all political discussion whatever. He would be ashamed to give any answer to the nobles earl's insinuation, that he had interfered in this business. He was too little acquainted with the case to give any opinion upon it even in a private room, far less to give any opinion upon it in their lordships House. He did not know who the magistrates were, except by name. But the true question was, what was the meaning of the act? Their lordships might examine that act, and see whether there was any clause which could by possibility bear such a construction as that which, according to the noble earl's statement, had been put upon it.

HOUSE OF COMMONS.

Monday, April 28.

Civil and Military Offices Continuance Bill.] Mr. Ponsonby having moved the second reading of this bill,

Lord *Castlereagh* said, that if the measure were one of a larger extent—if it went to alter the general principle, that all the servants of the Crown should hold their offices from the grant of the monarch immediately on the throne, it would be a proposition new in its nature, and one which would require considerable deliberation. The bill, however, merely went in the event of the demise of the Crown, and the accession of the illustrious personage who now held the office of Regent, to continue all the present offices, a great proportion of which had been granted under the regency, and thus to prevent considerable inconvenience and delay. He had no objection whatever to the bill applying as it did to a special case, and leaving untouched the general principle. He only hoped, that the right hon. gentleman would allow an interval of eight or ten days between the second reading and the committee merely to give an opportunity for the bill to be looked into with reference to its particular wording.

Mr. *Ponsonby* was happy that the noble lord regarded the measure in the same light in which it was introduced, and agreed that much convenience might, whilst no ill consequences could, arise from it.

The bill was then read a second time.

Petition of the Roman Catholics of Ireland.] Sir *H. Parnell* rose for the purpose of presenting to the House the Petition from the Roman Catholics of Ireland. It intreated, he said, the favourable attention of the House to their peculiar condition under the pressure of the penal laws, by which they were so severely affected. It stated that they had taken every oath of fidelity and allegiance. They referred to the acts of the Irish legislature for repeated proofs of loyalty; notwithstanding which they remained subject to the severe disabilities enforced against them, in consequence of their conscientious adherence to the religious doctrines of their forefathers. They disclaimed all latent, all sinister motives whatever; and maintained, that any imputation of that nature was repelled by their numbers and character. Their object was direct and avowed;—it was to obtain an equal participation in the civil rights enjoyed by their fellow subjects. The prayer of the petition was, that their case might receive the favourable consideration of the House of Commons. He would not trespass further on the House, were it not that the petition contained another clause of great importance to the discussion which was soon to take place on the subject. By that clause an opening was given for the satisfactory adjustment of that long disputed point relative to ecclesiastical security. The House would agree with him, that the claims set up on the one side to security, and the denial of those claims on the other, had occasioned the frequent failure of the cause of the catholics in parliament. Those claims had been founded on the apprehension of foreign interference in the nomination of the Irish bishops. When plans were suggested for affording a security against this danger, the catholic bishops, in 1808, published a resolution, declaring that, in their opinion, it would be inexpedient to alter the existing mode of nomination; and the laity soon followed their example. But now a complete change had taken place in their sentiments—a change so great, that all must admit that the approaching discussion would take place under circumstances altogether different from any that had hitherto occurred. The Irish bishops no longer adhered to their resolution. On the contrary, they proposed an arrangement which was calculated to meet all the dangers apprehended by those who had hitherto opposed the catholic claims. The clause to which he had just adverted, and which he begged leave to read, contained this proposition, with a distinct avowal of the acquiescence of the great catholic body in the opinion of the catholic prelates. They stated in the clause, that in thus addressing the legislature, they were naturally desirous of conciliating favour, and obviating the objections which had heretofore been made to a compliance with their wishes; and that they entertained a conscientious conviction that all the important differences existing on the subject might be happily reconciled, by the adoption of the domestic nomination of the catholic bishops, in which the catholic bishops were ready to concur, and which would meet with the most cordial approbation of the catholics at large. He trusted that this declaration would be considered by the House not more important in its substance than in the temperate and proper language in which it was expressed.—It was necessary for him to explain, in some degree, the plan that it was intended to propose. He was able to do so on the authority of a prelate of the catholic church; who stated, that the chief objection which had been long urged in the discussions in parliament respecting the appointment of the catholic bishops, was, that although on a vacancy the Irish prelates recommended an individual to the pope, the pope was not obliged to attend to their recommendation, but might instal any other person, even a foreigner. In order to obviate that objection, the Irish prelates offered to procure from the pope a concordat, that he would not institute any other person as a prelate than the one recommended to him by them, his majesty's liege and sworn subjects. The catholic prelates and the catholics at large offered to bind themselves by oath to choose no one for recommendation to the pope, but a native of the empire, and one whom they conscientiously believed to be loyal in principle. They further proposed, that all the catholic bishops and clergy should swear not to disturb, or attempt to overturn, by fraud or by force, the civil and religious institutions of the empire, or to interfere with the existing settlement of property. They had been assured by eminent persons in the confidence of the pope, that he would not object to sanction these offers, if they were likely to give satisfaction to the legialature, and to secure the desired relief to the catholic body. Here, therefore, was a proposition directly meeting the objection urged, of danger arising, from the foreign influence of the pope, by rendering future nominations in every respect domestic.—He had felt it his duty to state thus much, in the hope that hon. members would take the subject into their most serious consideration, and would possess themselves of every necessary information respecting it, that they might be duly prepared to come to a wise decision on the motion that was soon to be submitted to them by his right hon. friend—He wished to say a word or two on that which might to some appear an inconsistency on the part of the catholics—the continuance of their objection to the Veto. The present was not the time for going into a detailed explanation on this subject. But the catholics objected to the Veto on conscientious principles; conceiving that to accede to it would be, in effect, to give to the Crown the nomination of the bishops; which was contrary to the discipline of the catholic church, and would tend to the final extirpation of the catholic religion. He was enabled further to say, that should the general outline of this plan of domestic nomination be approved of, but should it be thought that it might be rendered more efficient by additional regulations, the catholics would have no objection to accede to any propositions which might be thought necessary to the security of the Protestant institutions, and which would not endanger their own. He would now move for leave to bring up the petition.

General *Matthew* congratulated the House and the body of the Catholics, that this long contested question was likely to be met, both on the part of the catholic body, and the members of his majesty's government, with that spirit of conciliation, which he hoped was a favourable omen of the success of the question. He was, as well as the catholics themselves, aware of the fair, candid, and honourable manner in which the noble lord opposite (Castlereagh), had expressed himself both in that House and elsewhere, on the subject of the catholic cause, as well as two more worthy individuals, his colleagues in office. Surely it was not too much then to expect, that the cause at last would be triumphant. For eleven years he had anxiously watched the progress of the catholic claims, a cause in which he was doubly interested, first as as an Irishman, and secondly as a Briton. They had succeeded each year in removing one source or other of objection to their character or their claims. They asked not now emancipation, they merely demanded a fair and dispassionate examination of their claims in a committee. The catholic he was happy to find, was disposed to lay aside all party spirit, and anxious to leave no stone unturned to effect a spirit of conciliation on the part of the Crown, and the warm supporters of the constitution in church and state. He hoped none would be presumptuous enough to disturb this harmony by throwing a firebrand into their debates—that no Patrick Duigenan would be found to tell of the bloody days of king Henry, the bloody queen Mary, the confiscations and persecutions in the time of the commonwealth—that all this trash and inflammable matter, these tales of gossips to frighten children out of their wits, would no longer disgrace their debates, or irritate those whom they ought to be solicitous to soothe. He could not but most fervently hope, that ministers would weigh well the responsibility of their situation, with reference to this question. The eyes of six millions of suffering countrymen, who, to the disgrace of the age in which they lived, were in a state of political degradation, were fixed upon his majesty's government in this crisis. It was time for ministers to tell the people and the country, before the question was decided, the nature and extent of the securities which they would affix to their support of emancipation. This they could only do in a committee. The catholics of Ireland deputed to London two distinguished characters, competent to give every information on the subject of the affairs of the catholic clergy, and the particulars of their connexion with the see of Rome. The characters to whom he alluded were Drs. Murray and Everard, the one titular archbishop of Cashel, and the other of Dublin. They were ready to give every information which any member could require on the subject. On the subject of securities, as they were called, all he would say was, that the general question was universally conceded, if proper securities were provided, for the permanence of the protestant establisment. He had authority to say, that the catholic bishops whom he named, were ready to give that security; they were ready, so far as domestic nomination went, to give every satisfaction on that head; and there could no longer be any excuse for putting so many millions of loyal and peaceable subjects out of the pale of the constitution. He was glad to see the noble lord (Castlereagh) in his place, for, he was sure, he should have his concurrence in stating, that the old bug-bear of foreign interference was completely at an end. If they would only enter into the committee, every thing could at once be adjusted. He stated from authority, that the pope, that cardinals Gonsalvi, Litta, and others were ready to give every assistance in the good work of concession, if we would only here set them the example. If any objectionable points, in the intercourse of the catholics at Rome with the holy see, were pointed out, all parties were ready at once to redress them. His feelings were warm on this subject, because he felt it to be the cause of his injured countrymen, the Roman catholics of Ireland.

Mr. *Webber* said, that no man was more anxiously disposed than himself to concede every civic right and privilege under the constitution, to the Roman catholics, whenever that concession could be made with safety to the state. He had all his lifetime been in the closest and most cordial habits of intimacy with a great many persons of that community, and he could bear testimony to their public and private worth. But in looking at the great question of Catholic Emancipation, he must abstract it from the narrow consideration of personal character. He would admit, with the most sanguine advocates of the catholics, their loyalty and peaceable demeanour in all ranks of society; but his objections were not founded on the personal characters of the men—they went to the whole system itself. He would now only say, that if it was ever his fate to hear this question discussed in the British parliament, he would previously expect to have the question of securities fully considered and decided. If the general debate were entertained at all, it ought certainly be subsequent to the decision on that point. He had no hesitation to say, as the painful result of his conviction, that the concessions claimed by the Roman catholics would, if granted, effect nothing short of an incipient revolution in the protestant church of Ireland. Such being his painful conviction, he was bound to mention it. The hon. baronet had thought proper to refer to the question of securities, and the manner in which they originated. He begged to state the mode in which he understood that matter had been started. Here the hon. gentleman stated the origin of securities in the year 1799, and traced the temper in which they had been urged. He concluded by saying, that the catholics of Ireland had a right to concede that which was uniformly granted in every other country in Europe.

Mr. *Blake* rose, not only on the part of his catholic constituents, who signed the general petition, to protest against the opinion of the hon. gentleman who spoke last, but also for the honour and dignity of the Commons House of parliament. The hon. gentleman had said, that if this question was conceded, the protestant church of Ireland would be subverted. It ought to have been unnecessary to remind the hon. gentleman, that the records of parliament were evidence that the principle of the question had been conceded, and that the only remaining question was as to the nature and extent of the ecclesiastical arrangements which should be affixed to the concession. Originally, the catholics of Ireland rejected the sort of securities which were required of them altogether, but more ample and deliberate discussion and investigation had removed their first impression, and brought them round to a more temperate view of the subject. It remained, then, to be considered (both parties being in a temper coolly to look at the subject), what these concessions should be—whether domestic nomination would meet the view of parliament, whether the Veto should be exacted. In saying thus much, it was not his intention to become the defender of any persons, whoever they may be, who agitated Ireland by angry debates on this subject; all he meant to say was, that those acrimonious discussions, so far from furnishing an argument against the question being entertained, rather rendered it imperative upon the House to set at rest a subject that could at any time be converted into a peg on which irritable topics could be hung to the injury of the peace of the community.

The Petition was then brought up and read, setting forth,

"That the petitioners beg leave most respectfully to solicit the favourable attention of the House to the peculiar condition of the Roman Catholics of Ireland, under the severe penal laws now in force against them; if the petitioners appear to the House to persevere with more than common earnestness in their humble solicitations for the abrogation of these laws, and for a free admission to the blessings and benefits of the civil constitution of their country, they trust that their perseverance will be viewed rather as a proof of their just title to the liberty which they seek, and of their sincerity in its pursuit, than as the result of any sentiment hostile to the peace or true interests of this empire; the petitioners should sincerely dread lest their silence might be construed by a faithful but feeling people as an indication of despair, and they would not lightly abandon the pursuit of a laudable and most important object, strengthened as they are by the concurring support of their generous and enlightened fellow-countrymen, as well as by the fullest approbation of their own conscientious feeling; they beg leave humbly to state to the House, that they have publicly and solemnly taken every oath of fidelity and allegiance which the jealous caution of the legislature has from time to time imposed as tests of their political and moral principles; and although they are still set apart (how wounding to every sentiment of honour) as if unworthy of credit, in these their sworn declarations, they can appeal confidently to the sacrifices which they and their forefathers have long made, and which they still make, rather than violate conscience by taking oaths of a spiritual import contrary to their belief, as decisive proofs of their profound reverence for the sacred obligation of an oath; by those awful tests they have bound themselves in the presence of the All-seeing Deity, whom all classes of christians adore, to be faithful, and bear true allegiance to their most gracious sovereign lord king George the third, and him to defend to the utmost of their power against all conspiracies and attempts whatsoever against his person, crown, or dignity, to use their utmost endeavours to disclose and make known to his majesty and his heirs all treasons and traitorous conspiracies which may be formed against him or them, and faithfully to maintain, support, and defend, to the utmost of their power, the succession to the crown in his majesty's family, against all persons whomsoever; that by those oaths they have renounced and abjured obedience and allegiance unto any other person claiming or pretending a right to the crown of this realm; that they have rejected as unchristian and impious to believe the detestable doctrine that it is lawful in any ways to injure any person or persons whomsoever, under pretence of their being heretics, and also that unchristian and impious principle, that no faith is to be kept with heretics; that it is no article of their faith, and they renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority whatsoever, may be deposed or murdered by their subjects or by any person whatsoever; that they do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence within this realm; that they firmly believe that no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done for the good of the church, or in obedience to any ecclesiastical power whatsoever; and that it is not an article of the Catholic faith, neither are they thereby required to believe or profess that the pope is infallible, or that they are bound to any order in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such order, but that on the contrary they hold that it would be sinful in them to pay any respect or obedience thereto; that they do not believe that any sin whatsoever committed by them can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever, but that any person who receives absolution without a sincere sorrow for such sin, and a firm and sincere resolution to avoid future guilt, and to atone to God, so far from obtaining thereby any remission of his sin, incurs the additional guilt of violating a sacrament, and by the same solemn obligations they are bound and firmly pledged to defend to the utmost of their power the settlement and arrangement of property in Ireland, as established by the laws now in being; that they have declared, disavowed, and solemnly abjured any intention to subvert the present church establishment for the purpose of substituting a Catholic establishment in its stead; and they have solemnly sworn that they will not exercise any privilege to which they are or may become entitled to disturb and weaken the Protestant religion or Protestant government in Ireland; the petitioners can, with perfect truth, assure the House, that the political and moral principles asserted by these solemn and special tests are not merely in unison with their fixed principles, but expressly inculcated by the religion which they profess; and they do most humbly trust, that, as professors of doctrines which permit such tests to be taken, they shall appear to the House to be entitled to the full enjoyment of religious freedom under the happy constitution of these realms; frequently has the legislature of Ireland borne testimony to the uniform peaceable demeanor of the Irish Roman Catholics, to their acknowledged merits as good and loyal subjects, to the wisdom and sound policy of admitting them to all the blessings of a free constitution, and of thus binding together all classes of the people by mutual interest and mutual affection, yet may the petitioners represent to the House with sincere regret and deep solicitude, that the Roman Catholics of Ireland still remain subject to severe and humiliating laws, rigidly enforced and universally felt, and inflicting upon them divers injurious and vexatious disabilities, incapacities, privations, and penalties, by reason of their conscientious adherence to the religious doctrines of their forefathers; for more than twenty years the progress of religious freedom has been obstructed, and, whilst other christian nations have hastened to unbind the fetters imposed upon religious dissent, the Roman Catholics of Ireland have remained unrelieved; the penal laws operate for no useful or meritorious purpose, affording no aid to the constitution in church or state, not attaching affection to either, they are efficient only for objects of disunion and disaffection, they separate the Protestant from the Catholic, and withdraw both from the public good, they irritate man against his fellow-creature, alienate the subject from the state, and leave the Roman Catholic community but a precarious and imperfect protection, as the reward of fixed and unbroken allegiance; the petitioners forbear to detail the numerous incapacities and inconveniences inflicted by those laws, directly or indirectly, upon the Roman Catholic community, or to dwell upon the humiliating and ignominious system of exclusion, reproach, and suspicion, which they generate and keep alive; perhaps no other age or nation has ever witnessed severities more vexatious, or inflictions more taunting, than those which they have long endured, and of which but too large a portion still remains; relief from these disabilities and penalties they have sought through every channel that has appeared to them to be legitimate and eligible; they have never conscientiously violated, or sought to violate, the known laws of the land, nor have they pursued their object in any other manner than such as has been usually adhered to, and apparently the best calculated to collect and communicate their united sentiments accurately without tumult, and to obviate all pretext for asserting that the Roman Catholic community at large were indifferent to the pursuit of their freedom; the petitioners can affirm with perfect sincerity, that they have no latent views to realize, no secret or sinister objects to attain, any such imputation must be effectually repelled, as they humbly conceive, by the consideration of their numbers, their property, their known principles and character; their object is avowed and direct, earnest yet natural, it extends to an equal participation of the civil rights of the constitution of their country equally with their fellow-subjects of all other religious persuasions, it extends no farther; they would cheerfully concede the enjoyment of civil and religious liberty to all mankind, they ask no more for themselves; they seek not the possession of offices, but mere eligibility to office, in common with their fellow-citizens, not power or ascendancy over any class of people, but the bare permission to rise from their prostrate posture, and to stand erect in the empire; in thus addressing the legislature, the petitioners are naturally desirous to conciliate all opinions and obviate all objections, and they entertain a conscientious conviction that all impartial opinions may be conciliated, and all rational objections to their emancipation defeated, by the measure of domestic nomination of their bishops, a measure in which their prelates have declared their readiness to concur, and which, if introduced by the proper authority in their church, would meet the most cordial approbation of the Catholic people of Ireland; if, in thus humbly submitting their depressed condition and their earnest hopes to the consideration of the House, the petitioners would dwell upon the great numbers, and the property, of the Roman Catholics of Ireland, already so considerable and so rapidly increasing and to their consequent most important contributions to the exigencies of the state, they would do so, not with a view of exciting unworthy motives for concession, but in the honest hope of suggesting legitimate and rational grounds of constitutional relief; may the petitioners then, with hearts deeply interested in the fate of this their humble supplication, presume to appeal to the wisdom and benignity of the House on behalf of a very numerous, industrious, affectionate, and faithful body of people, the Roman Catholics of Ireland; and to pray that the House may be pleased to take into their favourable consideration the whole of their condition, their numbers, their services, their merits, and their sufferings; and as the petitioners are conscious of the purity of their motives and the integrity of their principles, they therefore humbly pray to be restored to the full and unqualified enjoyment of the rights and privileges of the constitution of their country, to be freed from all penal and disabling laws in force against them, on account of their religious faith, and that they may thereby become more worthy as well as more capable of promoting the substantial interests of this great empire."

On the motion, that the Petition do lie on the table,

Sir *John Nicholl* rose, merely to protest against two positions that had been laid down in the course of this discussion; one was that of the hon. gentleman, who assumed that the question was now conceded, and that, in fact, nothing remained for consideration but the sort of securities with which the measure should be accompanied. He protested against an assumption that the question was reduced to such a narrow point. In saying this, he begged to be understood as having no religious antipathies; he should as cordially rejoice as any man could at the arrival of the time when those concessions could be made with safety to the established church of the country. When they could be given with safety, then would he be found their advocate. The other opinion against which he protested was, that so fondly and confidently indulged by the hon. baronet and gallant general opposite, that the time had now arrived when success must crown their endeavours. In this anticipation of success at the ensuing debate, he could by no means participate; on the contrary, his notion on that point was quite the reverse; for, so far from seeing any thing more favourable to the Catholic cause, in the present state and circumstances of the united kingdom and of Europe, from those of a former period, he thought he saw a variety of reasons for thinking that it by no means stood on a better footing than it did when last discussed. Such was his view, but he would reserve the reasons on which this opinion was grounded until the proper stage of the debate arrived.

The petition was then ordered to lie on the table; as was also a petition to the same purport presented by Mr. W. Smith from the Roman Catholics of Warwick and Staffordshire.

Petitions relating to Reform, &c.] Sir *R. Fergusson* said, he held in his hands a petition from the inhabitants of Dunfermline and its vicinity, praying for parliamentary reform. The petition was couched in most respectful terms, and, like all the others which he had presented from that part of the country, it stated that the petitioners were suffering severely under a depression of trade, occasioned by the grievous burthens to which they were subject. With respect to Spencean Societies, if they existed at all, in this very large and populous town, they had never been heard of, till they were brought forward in the debates of parliament. They prayed for a full, fair and free representation of the House of Commons, totally independent of the influence of the Crown. They likewise particularly called the attention of the House to the state of the representation of Scotland, which they considered as no representation at all.

Lord *Cochrane* said, that during many years he had resided in the neighbourhood of Dunfermline, and then those persons who were now petitioning, maintained themselves by the manufactures which were established in that part of the country; but now, in common with so many other manufactures in this country, they had fallen into decay, in consequence of the burthen of taxation, till at last the wages of the workmen were altogether inadequate to their support. Unless a diminution of taxation should take place, it was impossible that the people could be relieved, and so long as places and pensions should be the reward of subserviency, so long would the burthens continue, and those persons remain unrelieved. It was necessary, therefore, that parliamentary reform should take place—that that House should be purged—that its members should act for the benefit of the country at large, and not with a view merely to the circumstances of their own families, or the rewards which might be given to them. All assistance by way of issue of exchequer bills, whether to the extent of two millions or fifty millions, would be found unavailing—all came out of the pockets of the people. He had lately been down into the county of Kent, where he could not help being struck with seeing the mansions of the country gentlemen almost all deserted, and to be let or sold, the families having left the country. The only relief which the chancellor of the exchequer could grant, was a diminution of taxation—all other remedies were futile. The chancellor of the exchequer would find himself before two years were expired, compelled to reduce the interest of the national debt. And where would be the injury? Had they not seen the value of land reduced one-half, and all other property reduced in value. They found it at present necessary to issue exchequer bills to support an enormous military establishment. And for what? to keep down the people, who were suffering under an insupportable taxation. The only relief which they were to obtain was the Cottage tax. They did not think of relieving them from the other heavy and grinding taxes—from the salt tax for instance, which took 20*s.* a year from every poor man in the kingdom. By the malt and salt taxes alone, the people paid more than all the higher classes twice told. It was, perhaps, useless to petition, but still if they did not do so now, it would soon be too late. He had lately seen many persons lying starving about the hedges and ditches. That the higher ranks were unable longer to bear the burthen, was proved by the measure which the chancellor of the exchequer was about to propose. That measure, however, would not relieve that class of men by whom the present petition was presented; and with respect to industry, good morals and religion, the conduct of no class of men was more praiseworthy than that of the present petitioners.

Mr. *Grenfell* rose to make an observation on a suggestion now made by the noble lord, for the second or third time, which was nothing less than a deliberate proposal for a breach of public faith with the public creditor—a proposition which he trusted, not even the authority of the noble lord would be sufficient to impress on the good sense and good principles of the great mass of the British people. He could not conceive a proposition more destructive in its principle, or more contrary to every true principle of national faith, than that propounded by the noble lord.

Lord *Cochrane* observed, that when he brought forward the motion, which it was his intention to submit to the House on this subject, it would be then seen whether there was any thing derogatory to national honour in the reduction of the interest of the national debt.

Mr. *W. Smith* said, that having already thrown out hints of his opinion on the subject, he should think himself deficient in political courage if he remained altogether silent on the present occasion. He did not think, however, that the subject ought to come before the House in a by way; he thought this a most improper mode of entering on a question of this sort, which he wished to see taken up at large on its own grounds. Whatever opinion he entertained on the subject, he should have no objection to deliver it when the question came before the House.

Ordered to lie on the table.

Petition of the Academical Society.] Mr. *Wilberforce* rose to present a Petition from certain members of the Academical Society, who had applied for a licence under the bill passed in the present session for preventing seditious meetings, and to whom that licence had been refused. The society was of the most respectable nature: but when a deputation of the members had applied to the London sessions for permission to continue their discussions, some of the sitting magistrates refused to grant the licence, on the ground that it was the intention of the act of parliament to prevent political discussion altogether. How such an interpretation of the act could have been put forth by these magistrates, he was at a loss to imagine. He could only say, that he himself, as well as others who had assented to the bill, had never imagined that such a construction would be put upon it; and, indeed, the declaration implied total ignorance of the act itself. However, as the question had been decided against this society, and as no appeal was open to it, the members were compelled to have recourse to the House.

The Petition was then read, setting forth,

"That the Academical Society originated in the year 1793, in a private circle of students in the University of Oxford; but most of the members having become resident in London, the society assembled there in the month of November 1798, and has since continued its meetings without interruption to the present time; that the objects of the society, as settled by its rules, are, the investigation and discussion of philosophical, literary, and historical questions, subject to the following restrictions, that controversial theology shall not be introduced, and that no observation shall be made upon any living character of the United Kingdom, under which regulations the general principles of political science, together with the practical illustrations of them which history affords, are discussed at its meetings; that, under the regulation for the admission of members, the society consists, and has always consisted, exclusively of persons who have been members of one of the Universities of the United Kingdom, the college at Maynooth, one of the four inns of court in England, the faculty of advocates of Scotland, or King's inns in Ireland; that visitors are permitted to be introduced by members as hearers only, each member being considered responsible for the respectability of every stranger he may introduce; that, upon the passing of the former acts of parliament for the suppression of seditious assemblies, the society caused applications to be made for a licence to hold its meetings, which was granted and renewed from time to time during the operation of those acts; that, upon the passing of an act in the present session, intituled, "an act for the better prevention of seditious meetings and assemblies," it was determined again to apply for a licence; that, in pursuance of such determination, a petition was presented, by a deputation of members of the society, to the magistrates of the city of London, in general quarter sessions assembled, at the Justice hall in the Old Bailey, on Tuesday the 15th instant, praying that a licence might be granted, authorizing them and the other members of the Academical Society to hold their meetings as heretofore for the investigation and discussion of philosophical, literary, historical, and political questions; that, on Friday the 18th instant, the court, after having considered the petition, refused to grant the licence, it being stated by two out of the four magistrates present, that the object of the act was to prevent all political discussion whatsoever; that no appeal from the decision of the court of quarter sessions being provided by the act, the petitioners are compelled to apply for relief to the House; that the members of the society being persons either in or preparing for the learned professions, or other departments in public life, the acquirement of the habit of public discussion is to them of the greatest importance; and that feeling the benefit derived in that respect from the Academical Society, they beg to present their grievance to the attention of the House; and they regret that they are compelled to intrude themselves upon the attention of the House, and pray that they may receive such assistance and relief as under the circumstances the House may think fit to grant."

Mr. *C. Grant*, jun. said, he had the honour of being a member of the Society of Academics, and was greatly astonished when he heard of the very unwarrantable exercise of authority by which a licence had been refused to so respectable and intelligent a body.

Sir *M. W. Ridley* said, that before he had known that this petition would have been presented, he had given notice of a motion on the subject. He wished to call to the recollection of the House, that one of the strongest arguments urged by that side of the House against the bill was this very circumstance—that a power would thus be put into the hands of magistrates which might be (as in this case it had been) misused; and which would tend to destroy the most valuable right of Englishmen—that of political discussion. It was almost impossible to conceive how such a construction could have been put on the act; but after such an occurrence, it became the duty of ministers to take this opportunity of declaring their opinions on this important subject. Though the magistrates, who in this case had outstepped the bounds of the law, had not wilfully transgressed it, yet it was not improbable, that among the motives which induced them to take the course they had pursued, was the opinion that their interference might be agreeable to those high in office. He would call to the recollection of the House and the magistracy, the explanation of discretionary power, as those words were used in acts of parliament. "That discretion," said lord Mansfield, "should be a sound discretion guided by law; it should be a rule, not determined by individual humour, arbitrary, vague, and fanciful, but legal and regular." He would ask whether the conduct of the magistrates in this instance had been guided by a discretion sound, legal, and regular—whether it had not indeed been in the extreme, vague, arbitrary, and fanciful, and prejudicial to the best interests of the subject? He hoped ministers would stand forward and declare that the magistrates had totally misunderstood the act; if they did not do so, he should give notice immediately of a bill to explain the act in question.

Mr. *Bathurst* knew nothing of the case which had been brought before the House but from the petition itself, and consequently could not ascertain whether the conduct of the magistrates had been guided by any private opinion as to the nature of the society or the characters of its members. But taking the allegation of the petition that the licence was refused under the idea that it was the intention of the legislature to prevent all meetings for the purpose of political discussion to be correct, he could only say, that no one who had sat in the House during the discussions on that measure could imagine that such was its intention. The discretion left to the magistrates under this bill was that which had been described in the eloquent words of lord Mansfield. It never entered into the heads of those who proposed the measure to prevent every discussion by any gentlemen however enlightened, and for purposes however innocent.

Lord *Milton* was as ignorant as the right hon. gentleman of the motives of the magistrates in the present instance; but he hoped, as the right hon. gentleman was ignorant of the motives of their conduct, he would feel it his duty to make some inquiry; because, as the petition now stood, it was as much a petition against the House for passing the act in question, as against the magistrates for refusing the licence. In the present instance, where the grievance admitted of speedy complaint from the proximity of the parties, the House might interfere and afford a remedy; but this could not so easily be the case in transactions which might take place at a distance from town. He hoped, therefore, that some mode might be found of keeping the act operative as to its good purposes, and entirely suppressing the possibility of such abuses as the present.

Mr. *Brougham* said, that as parliament had intrusted a discretionary power to the magistrates, without appeal, it was no longer in the power of the government to control it. But it would become the House to consider how cautious such an occurrence should make it, in parting out of its own hands with such a power. If that power had been vested in some of the gentlemen opposite, or the hon. member who had presented the petition, in such hands such powers might perhaps have been safely entrusted. But the House, on the first alarm of some society, with an uncouth name, which hardly any one had heard, and to the exact nature or extent of which no one could speak, had delivered to every magistrate in the country a power so liable to abuse. It was to such men as alderman Domville and alderman Joshua Jonathan Smith—he named them to their honour—who read the act of parliament, to apply whatever meaning to it they pleased. Their decision was final and without appeal—the case, therefore, of the petitioners was without a remedy. He trusted, however, when any of the magistrates who were so zealous in their exertions under this act made applications to government, they would show the same impartiality towards them as they professed towards their acts in a judicial capacity. No names could be more respectable than those affixed to the petition, but the blunder of the magistrates, for such he was compelled to call it, had not been stated in sufficiently strong terms: they had not merely gone out of their way to stifle political discussion, but to suppress societies instituted purely for the purposes of instruction. But this operation of the act had not been confined to them. He had reason to know that a similar society had been "put down," as it was called by the vice-chancellor of the university of Cambridge. That this circumstance was connected with the late act he only conjectured from its being immediately subsequent to the passing of that measure.

Ordered to lie on the table.

Address and Petition of the Distressed Mechanics of Birmingham.] Mr. *Brougham* said, it had often been his painful duty to lay before the House the complaints of large portions of his majesty's subjects, but he never performed this duty with feelings so distressing as at that moment, both because the evil was so much more extensive in its pressure than at any former period, and because the prospect of relief, compared with the urgency of the case, was faint and unsatisfactory. The Petition which he had to present, was signed by nearly the whole of the labouring population of the great town of Birmingham. To prepare this petition no public meeting had been held, not even any public notice had been given that the petition lay for signatures, but three copies having been laid in different parts of the town, and the fact having become known, in less than forty-eight hours 11,000 names were affixed. At each of the places where the petition was placed, several persons of respectability attended to prevent any person from signing more than one name, and to exclude all those who were under twenty-one. In a few days more, the signatures amounted to 12,500, and to prevent a concourse of people from the neighbouring villages, it was deemed expedient not to suffer the petition to remain longer, lest tumult might be occasioned by the multitudes which would flock together. It was therefore from the town of Birmingham alone that the signatures were collected, which might be calculated to represent a population of 50 or 60,000 souls, probably the whole of the poor population of that town. This petition proceeded on no theories whatever; it urged no arguments or views connected, however remotely, with party questions. It was a statement, in humble but earnest and impressive language, of the degree of misery, approaching nearly to despair, to which that once flourishing town was now reduced. Before he moved that the petition be read, he should state that the misery which was felt was far from decreasing. There had, a short time ago, been an influx of orders; but that was found to be temporary, and the distress was greater than ever. The statement which he had made on the 13th of March had been too much corroborated by the accounts from Birmingham. It was then clearly shown that the misery, far from diminishing, was on the increase. The average assessment to the poor-rates during the last 12 months was 9*s*. 4*d*. in the pound; the average of the last six months was at the rate of 12*s*., of the last three months 13*s*., of the last week 14*s* 4*d*., and this average fell short of the sum actually expended in the same proportion, as 14*s*. 4*d*. fell short of 17*s*. 8*d*. The expenditure had, for several weeks, been 4 or 500*l*. above the sum actually raised by the rates, and 100*l*. per week above the expenditure of any former period of distress, however great. These facts would be sufficient to awaken the attention of the House, but he should not deal fairly with the House or the petitioners, if he did not state his opinion that the distress was, to a great degree, beyond the power of the House to relieve. It was mere vanity, not to speak disrespectfully of the proposal of the chancellor of the exchequer, for any one to expect a loan of a million, or a million and a half, could produce any sufficient relief. This was manifest by the fact, that to relieve the persons who had signed the petition in his hand, near half a million yearly would be required on a moderate calculation. How was it to be expected then that the sum would spread over not only the inhabitants of Birmingham and a population three times as great in its vicinity, but those districts which, though they suffered less, still suffered dreadfully? Greatly though he lamented the necessity and their want of power to relieve it, it was proper to state that no one immediate step could afford any tolerable prospect of permanent amelioration, except that general change of policy which was the only sort of relief which statesmen should consider, though not so immediate as that of which a vain and delusive semblance was now held forth. What relief that change of policy did afford might be safely granted by parliament, and beneficially received by the country—it would be deeply rooted and stable in its effects on the people at large, and even at this time, with a view to immediate relief, would not be altogether ineffectual.

The petition was then read. It purported to be the Address and Petition of the Distressed Mechanics of Birmingham, and sat forth,

"That the thereunder signed Inhabitants of the town of Birmingham beg leave to approach the House, and to inform them of their forlorn and miserable situation; accustomed from their earliest infancy to habits of continual labour, they have never been forward to obtrude their humble interests upon the public attention, but they have always placed confidence in the wisdom and justice of parliament and of their country, nor should they now have been induced to prefer their complaints, but their misery is greater than they can bear, and they are compelled to make known their distresses to the House; they are in distress, and in their misery they call upon their country for relief, they ask no more than the House will acknowledge that good citizens have a right to expect, they ask no favour, they only ask to have it placed in their power to earn an honest bread by honest labour, they only ask to be permitted to give to their country the benefit of their labour, and to receive in exchange the scanty comforts necessary for the support of life: their wants are only food and clothing and shelter from the elements; never before have they known the time when the labour of an Englishman could not procure him such humble comforts as these, nor can they now believe that his labour is of less value than formerly; in all former times the labour of an Englishman could produce a sufficient quantity of the good things of life, not only for his own maintenance, but to provide an ample remuneration to his country and to his employers, and they presume to believe that the labour of an Englishman is still competent to produce a far greater quantity of the good things of life than is humble maintenance requires; that some cause which they cannot understand has deprived industry of its reward, and has left them without employment and without bread, and almost without hope; they have no longer any demand for their labour, nor any bread for their families, their life has become useless to their country and burthensome to themselves, it would be better for them to die than to live, for then they should hear no more the cries of their children, their hearts would no longer be wounded by the sight of sufferings which they indeed share, but which they cannot relieve; they implore the House not to misunderstand the expression of those bitter sufferings which they endure, hunger and poverty and distress have indeed changed all things around them, but they have not changed the petitioners, they have not changed that devoted loyalty which as good subjects they feel towards their king, nor that true English spirit which binds them to the constitution and to the House; many of them have not had any kind of employment for many months, and few of them have more than two or three days work per week, at reduced wages; the little property which they possessed in household furniture and effects, and the small hard-earned accumulations of years of industry and care, have been consumed in the purchase of food, and they are now under the necessity of supporting their existence by a miserable dependence on parochial charity, or by soliciting casual relief from persons scarcely less distressed than themselves; in the midst of these painful sufferings and privations their friends and neighbours tell them that they must wait and hope for better times; they beg leave to inform the House that they have waited until their patience is quite exhausted, for whilst they wait they die; upon all former occasions of distress in any branch of trade, it was always found that some other channels of industry existed through which the honest labourer could obtain his bread, but now the petitioners find all other descriptions of labourers equally distressed with themselves, a general calamity has fallen upon the whole nation, and has crushed the happiness of all; they would indeed indulge the hope that their sufferings are peculiar to themselves, and may have been occasioned by the cessation of the war expenditure among them, but on whatsoever side they turn their eyes, if they look to Manchester or to Glasgow, or to the crowded city or the peaceful village, from one extremity of their country to the other, they can perceive nothing but an universal scene of poverty and distress, the sighs and the tears and the convulsive efforts of suffering millions too plainly convince them that some general and universal cause must have operated in producing such general and universal misery, and they implore the House to remove that cause, whatever it may be, they cannot but think that the House can remove it, or if its roots are so deeply hidden that no human wisdom can discover them, or so strongly fixed that no human strength can remove them, they must then consider their sufferings as a visitation from Almighty God, to which they must dutifully bend; but in that case they intreat the House will adopt proper measures for the whole nation to humble itself in mortification and prayer, in order to propitiate the divine justice, and avert those heavy calamities which afflict them; but they cannot but think that these calamities originate in natural causes, which it is in the power of human wisdom to discover and to remove; they cannot but think that, in a great nation like this, the means of existence must exist for all: they cannot but think that, in a country abounding with every blessing, and with every production of agricultural and mechanical industry, some means may be devised by which the blessings of Providence may be distributed and enjoyed, by which the productive powers of industry may again be brought into action, and the honest labourer may again be enabled to earn an honest bread by the sweat of his brow; and the petitioners humbly pray that the House will take into consideration their distressed condition, and adopt such measures as in their wisdom may be deemed necessary for the relief of themselves and of their suffering country."

Ordered to lie on the table.

Recovery of Small Debts]. Sir *Samuel Romilly* presented a Petition from certain inhabitants in the county of Gloucester, complaining of the difficulties which had been so disgracefully and so successfully thrown in the way of creditors in recovering small debts. He was satisfied that the evil was more generally to be traced to the interested and unprincipled interference of legal advisers, than to a want of principle upon the part of debtors generally; but never, until within a few days, had he learned that the heedlessness of the legislature had left open so wide a door to an abuse which operated completely as a fraud upon nine-tenths of creditors for small sums, where such abuse was resorted to. He had derived this information (an information which convinced him at once of the extent of the abuse), from a letter which came into his possession, in consequence of its having been directed generally to the persons confined for debt in the gaol of Gloucester, by an attorney, whose name he should not mention, and not having been post-paid, none of the prisoners felt disposed to expend as much money as was requisite to pay its postage, however anxious they might have been to ascertain its contents. The primary object of the writer, was to obtain for himself the business, as agent to the prisoners for debt in that gaol. The letter enjoined such as were confined there to sue out an Habeas, and move themselves into the King's-bench, there advising them how to file sham and dilatory pleas, and upon proceeding to get judgment, to have the office at the Temple searched by their attorney, who, beforehand, should be armed with a writ of error to be filed, recommending them, however, in case they were desirous to be particularly troublesome, to make the writ of error returnable in parliament, the additional expense of which would cost the defendant not more than 1*l.* while the plaintiff would thereby be put to an expense of 100*l.*; that by these and similar proceedings of a dilatory nature, they might, at the moderate expense of 24*l.* 9*s.* put their several plaintiffs to an expense of 343*l.* Sir Samuel proceeded to descant on the evil of writs of error, and adverted to certain abuses which had been detected and remedied in appeal cases, suggesting that the same method of having two barristers to certify, before the writ was issued, would be the means of putting an end to the crying evil so loudly and so justly complained of.

The petition was read, and ordered to lie on the table.

Issue of Exchequer Bills for purposes of Local and Temporary Relief.] The House having resolved itself into a committee to consider of an issue of Exchequer Bills for purposes of Local and Temporary Relief,

The *Chancellor of the Exchequer* rose and said, that before he proceeded to explain the purpose of the proposition which he had to submit to the committee, he should read the two resolutions in which that proposition was comprised. The first resolution was,—"That it is the opinion of this committee, that his majesty be enabled to direct an issue of exchequer bills to an amount not exceeding 500,000*l.* to commissioners, to be by them advanced towards the completion of public works, now in progress, or about to be commenced; to encourage the fisheries, and to employ the poor in different parishes of Great Britain, on due security being given for the repayment of the sums so advanced." In the next resolution, which related to Ireland, there was a difference as to form, both because there existed no parochial funds in that country, and on account of another circumstance which he should afterwards explain. This resolution was, "That the lord lieutenant of Ireland be empowered to advance out of the consolidated fund of that kingdom a sum not exceeding 250,000*l.* for the completion of public works, or the encouragement of fisheries in Ireland, under condition of repayment in a time to be limited."

On every former occasion when grants had been proposed to parliament for any local purpose, a special committee had been previously appointed, for the purpose of ascertaining the nature and extent of the existing distress, and submitting to the House a specific plan for its relief. In the present case that course of proceeding was unnecessary, as the House was but too well acquainted with the nature and extent of the distress prevailing, by the numerous petitions that were lying on the table, and by the labours of the committees of last session and the present. As to the sums which it was proposed to apply to public works, the grounds on which the grant would be recommended would differ from those on which parliament had formerly been applied to for assistance in similar cases. The course in former instances had been to point out the benefits to the country in its commercial relations, from the completion of the work, in favour of which an application was made. But the commissioners, who were to have the disposal of this money, would particularly consider the influence the prosecution of any public work would have on the employment of the present unemployed population. Their decision would be directed by the compound consideration of the utility of the work, and of the relief which would be afforded to the persons employed in it. There were a great variety of public works which had already received the sanction of parliament, but which languished on account of a deficiency of funds necessary to prosecute them. Of many, parts were already finished, which were useless until the whole was completed. Many urgent applications had been made to the government in behalf of these works, to which it had been intended the attention of parliament should have been called in a direct manner; but it was now considered that it would be more beneficial if the money was placed at the disposal of commissioners quite unconnected with government, and who would be named in the body of the bill. These commissioners he should propose, should be empowered to advance sums, by way of loan, to corporations and other bodies, for the purpose of making harbours or canals, or to trustees of roads, or to any persons engaged in public works now in progress, or about to undertake them.—These advances were not to be confined to those undertakings which the parliament had sanctioned; for instance, the laudable association for the encouragement of fisheries would be a very proper institution to receive aid. Works of great utility and ornament, could thus be brought to completion without ultimate expense to the public, if, as he trusted it would prove, and as had happened on former occasions, the interest on the money advanced would defray the expense of the commission, and the other charges attending the loan. The transaction would in that case be not less advantageous to the public at large, than to the individuals immediately concerned. In Ireland it would not be practicable to nominate a similar commission, without such a delay as would defeat the purpose of the grant, which was urgent in its nature. It would be necessary to enter into a correspondence with that country, to know what gentlemen would undertake a duty which would entail some trouble without any prospect of reward. To avoid that delay, the sum appropriated to that country would be placed at the disposal of the lord lieutenant, to be applied to the purposes he had mentioned.

Having detailed that part of the plan which referred to the completion of public works, he felt much greater difficulty in entering on the subject of advances on the security of the poor-rates. He had never thought that any thing could be done towards the relief of the agricultural population, by the advance of any such sum as he then proposed to advance. The agricultural interest was to such an extent identified with the state, that he could not conceive any circumstance by which it could be so far separated from its prosperity or difficulties as to receive relief from any sum which parliament could wisely advance to it. He was afraid also that loans to the agricultural districts, in aid of the poor-rates, would encourage the practice of curtailing the fair wages of labour, and of supplying the deficiency by assistance from the poor-rates. They might also be tempted to throw on the poor-rates of the present year those for whom they might otherwise find employment. On these accounts the relief of the agricultural distress did not form a part of the measure. When the bill was before the House there would be found clauses which would guard against such an idea. The advance to be granted to parishes was never to exceed the half of the rate of the last year, and no advance was to be made to any parish except in cases in which the rate was double the average of the two preceding years. Though the measure did not embrace the relief of the agricultural districts, it was hoped that it might afford a temporary relief to that species of distress which had that night been brought under the notice of the House, and it was to communications from the place from which the petition that night had been presented, (Birmingham), that the present measure was in part to be attributed. Undoubtedly that distress was lamentable, but he thought there were reasonable hopes of a speedier relief than the hon. and learned gentleman (Mr. Brougham) seemed to anticipate.

By this grant, indeed, he was induced to calculate, that such an important impulse would be given to the industry of Birmingham, as probably would afford the means of permanent relief to that town, which had suffered so particularly in consequence of the transition from war to peace—that that transition had materially affected Birmingham, would be obvious from this fact, that during the war no less than three millions of small arms had been manufactured there for the use of the allies, independently of those provided for our own supply; and of course the cessation of such a demand, in consequence of the restoration of peace, must produce a most material result. But it was in this respect only that the trade of Birmingham had suffered, for it appeared that the export trade of Birmingham was not on the decline, at least in the same proportion as the home trade. The official value of the exports of steel and iron in the last three years was as follows;—In 1814, 1,094,000*l.* In 1815, 1,127,000*l.* In 1816, 1,054,000*l.* Being in the last year nearly the same as in 1814. The hardware and cutlery, which formed a distinct article, were as follows:—In 1814, 354,000*l.* In 1815, 871,000*l.* In 1816, 782,000*l.*, here it would be seen that the amount of exports under this head had only fallen ten per cent. in the last year below what it was in 1815, while it fully doubled that of the exports of the preceding year. The money value of the steel and iron exports was as follows:—In 1814, 1,143,000*l.* In 1815, 1,280,000*l.* In 1816, 1,095,000*l.* The money value of the exports of hardware and cutlery within the same period were in proportion to his former statement of their official value. It appeared, therefore, on the whole, that the manufactures of Birmingham had not fallen off, except in articles for the purposes of war, and from this he was led to believe that the distress which afflicted that town was merely in consequence of the cessation of the demands of government, while, with respect to foreign trade, that town had suffered no material diminution. In this conclusion indeed, he was confirmed by the information of those who were best acquainted with the trade of the country, and most competent to judge upon the subject. From such sources, he learned that the loan of 30 or 40,000*l.* to the manufacturers of Birmingham would be of material service under existing circumstances.

For the distress of Birmingham, as well as for that which affected other parts of the country, he felt the most lively interest, and therefore he rejoiced in the exercise of private benevolence to alleviate that distress. Noble examples had been given by individuals in this respect. But every one must be aware that private benevolence could not suffice to afford permanent relief. While it was in activity, he was impressed with the conviction that it would not become government to interfere. But the fact was, that the resources created by that benevolence were nearly, if not altogether, exhausted, and therefore it became the duty of government to contribute its aid for the relief of the industrious poor, not only by every practicable economy in the public expenditure, but by an actual loan to those who had an opportunity of giving employment to industry. He felt indeed so strongly the peculiar situation of Birmingham, as described in the petition* presented by an hon. and learned gentleman and so fairly animadverted upon by that hon. and learned gentleman that he should have conceived himself bound to submit a distinct proposition with regard to that town, but upon consideration it was deemed more just and expedient to submit a resolution couched in general terms, which might embrace all cases of real difficulty, with a view to guard against error and oversight, and to render the application of relief as extensive and beneficial as possible. That due provision would be made by the commissioners to be appointed to guard against the misapplication of these means there was every reason to conclude, and as to the details of the plan to be pursued for this very desirable purpose, he thought it better to leave those to be arranged by the collective wisdom of the House, while he should be ready to afford every explanation in his power with respect to the views of his majesty's ministers. He had not the presumption to suppose that what he suggested would be at first in such a perfect state as not to call for great revision. What views might be entertained by other gentlemen, or what objections might be urged against the plan which he had submitted, he could not presume to anticipate, but that plan was liable to correction, and it would, he trusted, be put in the most perfect, practicable shape, by the consideration and judgment of the House. His proposition at present was, that the resolutions which he held in his hand should be adopted, and, when printed, submitted to further consideration on Friday next, or on any other day which might appear most convenient to the House. But he begged leave to observe, that dispatch was of the utmost importance in a question of this nature, and that no delay in the arrangements proposed should be allowed that could possibly be avoided. The right hon. gentleman concluded with proposing his first resolution.

Mr. *Ponsonby* rose, he said, not to make any captious objection to the right hon. gentleman's plan, which he did not yet correctly understand, but to observe that the right hon. gentleman had not stated the mode in which the repayment of the proposed loans was to be secured. This was certainly an omission which it was desirable to supply. The omission was, perhaps, casual, but it was one of such importance, that he hoped the right hon. gentleman would favour the House with some explanation as to the manner in which, and the time when it was proposed that these advances should be repaid.

The *Chancellor of the Exchequer* stated, in reply, that it was his intention to leave the details as to the execution of his plan to be considered and adjusted by the House. He had, however, no objection to present an outline of his views with respect to the repayment alluded to by the right hon. gentleman. In the first place, he proposed that the exchequer bills to be issued should be payable in three years, that is, in 1820; and that security should be taken for the repayment of the several advances by instalments, so that the whole should be re-paid to the commissioners by the time when the exchequer bills became payable by the state. But that, in case it should be expedient for the completion of public works to allow a farther time, the commissioners should be empowered to extend it for six or seven years from the period of making the loan. It was also proposed that the several loans should bear an interest of five per cent. while the exchequer bills should be issued at their present rate of 3¼ per cent. and the difference would of course be for the advantage of the public. The securities to be taken for the proposed advances would be naturally had from those persons who were interested in the manufactures or public works to which those advances would be made, probably from the proprietors, and it would be for the commissioners to look to the adequacy of those securities. The security ought, of course, to be equally satisfactory as that required by individuals lending money, and this would operate to prevent the commissioners from making any injudicious advances. The commissioners it was to be presumed would not advance loans unless they were fully convinced of the utility of the public works or manufactures, for whose benefit those loans were to be made, of the competency of such establishments to provide an adequate indemnity and of the impossibility of completing them, or carrying them on, without assistance.

---

* See p. 23.

Mr. *Blake* said, it was with much diffidence he obtruded himself upon the attention of the House, but upon a question of so much importance as the present, it might be possible for the most humble individual to suggest something useful. The principle of the proposed plan he took to be an advance of money for the relief of the labouring classes, usually employed in agriculture only. [Here the chancellor of the exchequer stated, that the relief proposed was not intended exclusively for the agriculturists.] Mr. Blake said, he regretted to find he was in a mistake, because he thought the landed interest ought now, especially when it was comparatively so depressed, to meet a larger share of the attention of the House than the commercial interest. It was plain the plan was not to operate as a substitute for the poor laws farther than as its effect would be to diminish the number of persons who would otherwise be obliged to resort to their aid. He submitted, that on the proper application of the funds, which it was proposed to raise, depended the success of the plan; for if a beginning should be made, by giving direct assistance to those who usually laboured in the arts and manufactures—they would be enabled, it was true, to continue their usual avocations, but in the end parliament would increase their stock on hand, and thereby remove their prospect of a market. The only effectual relief, which could be found for the manufacturer was a market. If a market were found for the manufacturer, he was at once supplied with money, and a market would always ensure a supply more than equal to the demand. He was sorry to hear that it was intended to expend so much money in public works. This would depress further the price of land. Land was the grand source of our commercial prosperity—it was the source of our revenue. Public works were generally understood to mean works of ornament rather than of productive utility, and the money expended on them should not be repaid by a taxation on land; but if the money should be expended in the enclosure and cultivation of waste lands, and in the extending and improvement of the inland navigation of the country, the very produce of this expenditure would not only repay the sum borrowed, but would leave a considerable surplus to the owners of the soil, and at the same time create a circulation of money, which would open a market for the manufacturer, and thus relieve every class of the population. But if this effect was to be looked for in England, how much greater and more beneficial must it be in Ireland. In England, improvement might be said to have arrived almost at perfection, but in Ireland nature had done more than in England, yet there she was totally unassisted by art; nay, in some instances, artificial canals were made upon so stupendous a scale, as to lead one to suppose that it was intended to subdue rather than assist the natural advantages of the country. The Irish, ardent to imitate England, did so upon a plan of magnificence, utterly inconsistent with the hope of remuneration by trade, and thence the derangement of their canal speculations; but if, instead of imitating the English, whose country was suited to such undertakings, the Irish only connected their numerous navigable lakes with each other, and with the sea, the experiment would produce, in a very short time, a noble accession of wealth to themselves and increased strength and prosperity to the general interests of the empire. It was under this view of the subject he conceived it to be his duty to suggest to the right hon. gentleman, that the funds intended for Ireland would be best applied to works of the description to which he had just adverted.

Mr. *Philips* declared his inability to comprehend the nature of the security alluded to by the chancellor of the exchequer. Did the right hon. gentleman mean to confine the proposed loans to public works actually begun? [" No, from the treasury bench, " they are to extend to works to be begun."] As these loans were to be granted for the construction of public roads, how, he would ask, were the parochial rates to be relieved by pledging these rates to the persons who should become security for the repayment of the loans? Such a plan would, in his opinion, rather tend to augment the rates and to aggravate the evil so loudly complained of. Then as to manufactures, it was a delusion, to conceive that this plan would afford any relief; for to his knowledge the manufacturing towns did not want capital to give employment to labour, but a marker for the sale of their productions. Show them a market, and the manufacturers would soon find the means of going to it. It was, therefore, a mockery to suppose that the proposed advance would be productive of any advantage to the manufacturers, and it was equally delusive to say that the distress of the country was (with the exception of the harvest), only of a temporary nature; for the fact was, that we were broken down by the pressure of taxation. This was the great evil, that by taxing every article of export, we were rendered unable to sell our produce or manufacture on reasonable terms, especially to foreigners. Again, as to the system of securities proposed by the right hon. gentleman, it was obvious that the establishment of such a system must interfere most injuriously with the transfer of property. For who could calculate that under such a system any property purchased might not most unexpectedly be swept away by an exchequer extent, or extent in aid. The whole system of the right hon. gentleman was indeed pregnant with difficulty and delusion, while the only effectual way of relieving the distress of the country was, to reduce our public establishments, and to introduce a rigid economy into every branch of the public expenditure, to which he feared neither the right hon. gentleman nor his colleagues were in any degree disposed.

Mr. *Grenfell* expressed a wish to know in what way it was intended to advance the proposed loans, whether in specie or in bank-notes—whether the exchequer bills were to be put into the hands of the bank, there to remain with interest accumulating upon them for three years, or lent at once to the parties from whom they required securities to be taken? He suggested, that it would be very practicable to issue exchequer bills of 100*l.* or 50*l.* each, and so to render them a part of the circulating medium of the country.

The *Chancellor of the Exchequer* replied, that the intention was, to issue exchequer bills, as in former cases, at 100*l.* or perhaps at 50*l.* each, to the parties giving the required securities, and thus from the regulation of interest, they might be taken at par, and so become a part of the circulating medium of the country. But he should enter further into the details on a future occasion. With respect to the observations of an hon. member, he could assure him that he had no greater wish than any other gentleman to practise delusion on the country; but he had no hesitation in stating, that he was completely of opinion, that the distress of the country was only temporary. Indeed, if such was not his opinion, he must regard not only the present, but any plan that human wisdom could devise, as a mere delusion, and insufficient to remove the evils complained of. But the object of the project which he had submitted was, to relieve the distress of an unfavourable season; and in so doing, it was proposed to follow the examples of 1793 and 1811, neither of which had been found productive of inconvenience.

Lord *A. Hamilton* wished to know what was the mode of security to be adopted in Scotland, where there were no poor-rates?

The *Chancellor of the Exchequer* replied, that in parishes in which there were no poor-rates, personal security would be substituted.

Mr. *Lamb* was anxious that it should go forth to the world, that the vote of exchequer bills now proposed was not to give relief in the vulgar acceptation of the phrase, but to employ the poor. He wished this to be understood, as otherwise sensations might be excited in the people from their being told that a large sum of money had been voted for their relief that would prove but delusive and vain. He thought there would be some difficulty in getting that security given which it was intended to demand. Without this plan of the right hon. gentleman, there was no difficulty in getting capital advanced, where good security was offered. The only difficulty was how to employ capital to advantage. The plan for lending money to parishes he thought would be attended with some inconveniences; but the regulations under which the chancellor of the exchequer had proposed it should be advanced, were, in his opinion, extremely wise, and obviated many of the objections which otherwise might have been urged against the measure. Some guard, he thought, ought to be obtained, to prevent land from being pledged as parish security by the occupier, to the prejudice of the owner. Great burthens might fall on landlords, if occupiers made mortgages without their landlords consent.

Lord *Cochrane* thought the money should be given to the people as a repayment for what had been taken from them, and that no securities should be required.

The minister spoke of certain districts suffering chiefly by the transition from war to peace; but were not all our manufacturers suffering? The plain fact was, that all our manufacturers were borne down by excessive taxation. It was called preposterous to think of reducing the interest of the public debt. At present, land scarcely fetched half its value, and provisions had fallen in price; yet all this distress existed. We had been told from authority, that commerce would revive; but had that been the case? Would the chancellor of the exchequer say, as a man of honour, he believed that under the present pressure of taxation, manufactures and commerce would revive? That revival was obviously impracticable. All acticles, whether for home or foreign consumption, were loaded with taxes; and it was demonstrable, that the manufactures of France and Germany came to market with advantages over ours. Notwithstanding all our machinery, our skill, and our capital, we were beaten out of our trade. Our whole navy could not prevent the introduction of contraband goods; and if we could manufacture cheaper, our articles would be sure to find their way to the continental markets. Our distress was brought upon us by a profligate expenditure. A great evil existed in the pensions, sinecures, and rewards given by ministers to subservient persons. Unless that system were stopped, he should despair of all hopes of relief. Great rewards were given for doing what a man should be ashamed to do. A larger army would be wanted, if the public were to be pressed down universally to find means to enable the fundholders to contract for loans and jobs. The present plan was nugatory and contemptible: the poor-rates were stated to have been nearly twelve millions in one year. What, then, could this relief effect? A pamphlet by an hon. member stated, that every man paid at least 10*l.* a-year in taxes. Why was a labourer so much more able in America to rear his family, but because he had less taxes to pay, to support an army, navy, and civil list? If they put a sponge on the whole public debt, and threw the books into the sea, the country would not be poorer. Bank-notes passed now like guineas, but some time ago they were at a very low rate. Ought not the fundholders to share in the public sufferings with others? It was just and indispensable that they should do so. All expedients must prove nugatory. What good would the relief afford in Birmingham, when they could not manufacture arms, because nobody wanted them, and when more knives and scissors were made than there was any demand for? The manufacturers were absolutely supported out of the poor-rates. It was essential that some radical remedy should be applied, and that could not be done without great general retrenchments and reductions.

Mr. *Ponsonby* said, he was not sure he understood the measure now proposed by the right hon. gentleman; indeed, he was rather inclined to think that he did not understand it. He was willing to suppose that it had been brought forward with the best intentions; but he was certain, if it were intended to produce good, it should be quickly put in operation. He therefore had no desire to impede the progress of the measure, but, on the contrary, felt sincerely desirous of promoting it. He had heard enough, however, to convince him, that the House could not enter into the consideration of the whole question, till the bill was regularly before them. The right hon. gentleman would do well, therefore, to bring in the bill as soon as possible. At the same time, he wished distinctly to state, that he should not consider himself bound, in consequence of thus assenting to all the previous steps, to approve of the measure itself, when he had fully considered it.

The *Chancellor of the Exchequer* observed, that nothing could be more fair or candid than the proposition of the hon. member; and he should be far from considering any individual pledged to approve of the measure hereafter, merely on account of his voting for the resolutions. Nothing was more improper than to enter into the details of the measure in the present stage. He therefore reserved several explanations he had to give till the proper opportunity for offering them. As to the remarks made by a noble lord, he thought them altogether unworthy of examination or reply.

Mr. *Ponsonby* said, if the plan were even more objectionable than it appeared at the first view, yet there was something so pleasing to the mind in the idea of providing relief for the present distresses of the poor, that he could not for a moment bring himself to oppose the consideration of any scheme which seemed likely to attain that object.

Lord *Milton* said, it would certainly be very invidious to throw any obstructions in the way of a measure which was intended to relieve the poor; but, at the same time, it was essential that the House and the country should clearly understand the nature of the measure, which he was sure had not been the case, with respect to the House, until that evening. And he knew that out of doors an opinion prevailed, that it was intended for the relief of the poor generally. In fact, one object of the measure was only to facilitate the means of giving employment to those persons who happened to be so locally situated, that works of a public description were carrying on in their neighbourhood. The other object was, to enable particular parishes to afford parochial relief, where the poor-rates were above the level of a certain ratio. He confessed he doubted the practicability of the plan, especially with regard to the latter point, because the distress that was felt in many parishes, arose not merely from the want of labour, but from the want of a market whither the product of that labour could be carried, and because the funds applicable to parochial relief were rapidly crumbling away. Now, the proposed plan would not assist those funds. It might place a certain quantity of money at the disposal of the overseers, but then it was to be recollected, that every parish which accepted of such assistance contracted a parochial debt. He would suggest the propriety of dividing the resolution into two distinct propositions, the one, for employing the poor in places where public works might be carrying on; the other, for extending aid to particular parishes. His reason was, because there might be various opinions upon those two points, and because it would be desirable that if any relief were granted by parliament, the act should be marked with as much unanimity as possible.

Sir *E. Brydges* concurred in the propriety of the proposed measure, and should have been glad if a greater sum had been determined upon. He thought it was the only mode of relieving the people, for labour was the foundation of wealth; without labour the people could not be happy, or the state prosperous.

Sir *J. Newport* adverted to the injurious effect which would probably be produced by the apprehension of becoming liable to a crown process. If extents of the Crown were so formidable to persons who became debtors of the Crown for objects of their own, was it likely that many would be found willing to incur such a liability for purposes of a merely charitable nature? He was afraid that consideration would prove greatly detrimental to the operation of the measure, unless some means were adopted to guard against it. Another objection was this: one of the main objects of the plan was, to afford aid to inland navigation, to afford the means of cutting canals through the country. Now, there were canals already begun, which individuals might wish to carry still farther. To enable them to do this, they might apply for a part of this money. Having become debtors to the Crown, to a certain extent, the consequence would be, that, if they were not able to repay the loan, the Crown would have an opportunity of sweeping away the whole property, to the injury of the private creditors, whose money had been expended in the commencement of the work. The Crown would not come in rateably, like the private creditors, and take its share with the others. It would swallow up all the funds of the concern, and thus, instead of doing good would inflict injury. He owned he did not see at present, how the proposed plan could have any advantageous operation; at the same time, he was far from feeling any disposition to oppose a scheme for relieving the distresses of the country if it had but the slightest probability of being feasible.

The *Chancellor of the Exchequer* said, that where persons failed in their repayment of the loan, and process was issued against them in consequence, a provision would be made in the bill, to prevent the Crown from having a priority over the other creditors. As to the suggestion, that the resolution should be divided into two parts, he believed so many public works would be found for the employment of the poor, as to render such a division unnecessary. He wished to hear every objection that could be fairly stated to the measure, and would feel obliged by any corrections upon the plan as proposed by him.

Mr. *Babington* observed, that one part of the resolution went to give employment to the poor, on public works; the other was intended to relieve the poor in parishes. Now, in very many parishes there were no public works. How, then, were the poor to be employed? If the overseers, in the manufacturing districts, became manufacturers (their capital being the public funds), in order to give employment to the poor, they would not manufacture on commercial principles, and would prevent private individuals from continuing in business. This would turn so many people out of employ, that they could not be supported by the public purse. He had had occasion, in his part of the country, to see instances of this evil. Where bounty was bestowed, five times as many were deprived of work as were employed through such forced means. Wages, too, were increased in consequence of such application. The evils altogether arising from creating manufactures by means of a bounty from government appeared to him insuperable.

The *Chancellor of the Exchequer* said, there was no intention to exact as a condition, from the parishes which might apply for aid, that they should use the money in providing employment for their poor. At the same time, it would be highly desirable, that the relief granted should be, as much as possible, in the shape of work, leaving it to the parish to select the particular description of employment. Generally speaking, he apprehended that public works, such as roads, buildings, bridges, canals, &c. would be the kind of occupation selected, as requiring merely labour, and not any particular kind of skill.

Mr. *Hall* expressed, generally, his approbation of the plan.

Mr. *Lyttelton* should not now inquire what might be the details of the bill, or what the objections that might be urged, but there were one or two points upon which he wished to say a few words. The right hon. gentleman, in his opinion, had assumed certain facts which he did not think were tenable. First, that the present distress was greatly owing to the want of capital. He did not conceive that to be the case; and indeed, as far as his information extended in regard to that part of the country with which he was more immediately connected, he knew it was not. It was rather a want of the means of employing capital and rendering it productive. Next, the right hon. gentleman asserted, that if capital were advanced at 5 per cent. interest it might be usefully employed in public works. With respect to public works, he did not know what magic there was in those words. If public works were productive, private adventurers would still be found willing and able to prosecute them. Roads, canals, bridges were to be made. If those who now carried on these works were unable of themselves to go on with them, or to carry them to a greater extent, any others must become losers by attempting them. What use or benefit could be proposed by forcing forward such works beyond the demands and interests of the country? As to fisheries, he should waive any observations upon them, for there might possibly be some which only required funds to be carried on with vigour. With regard to the distress felt in particular parishes, what was the nature of the relief proposed to be extended to them? In plain words, when a parish was bankrupt, then assistance was to be afforded, and for which assistance its bankrupt funds were to be taken as a security, unless, indeed, some kind of personal security was to be superadded. He should like to know in what sense the right hon. gentleman talked of personal security. Did he use the expression in the meaning which was commonly given to it in the commercial world? Or did he look to the security of real property? If to real property, then that would in the first instance be attached by the exchequer, and the person would afterwards be seized and thrown into gaol. In all human probability, the scheme would be perfectly nugatory, as applicable to parishes. Unless they could provide a market for the produce of labour—unless they could revive the commerce of the country—he did not see how the issue of exchequer bills could be of any benefit, for they would not create resources.

Mr. *C. Grant* jun. said, the measure must first present itself to the House as one intended for the relief of certain individuals. Great numbers of persons being thrown out of employment, were in danger of starving—to them it was intended to afford succour; and the question next was, how that succour should be bestowed? Undoubtedly, it was much better to give it on the score of labour, than as a gratuity; and, therefore, he highly approved of his right hon. friend's plan. It was not intended, that the money advanced should be laid out in the establishment of manufactories. It would be most impolitic to do that. Such a proceeding would only have the effect of forcing manufactories into the market when there was no sale for them. The same observation, he conceived, applied to agriculture. By pursuing the plan of his right hon. friend, they would support the morals of the people by teaching them industry, while they perfected works that would be most useful and ornamental to the country. That was the proper course of proceeding instead of forcing into a market already overburthened, an additional quantity of manufactures.

Sir *M. W. Ridley* confessed, that he did not exactly understand the right hon. gentleman's plan. In the case of money lent to perfect a turnpike road, independent of the security of the tolls, he understood that a personal security would be given by the borrower to the lender. He wished to know, whether, in parishes, a personal security was required, as well as one on the poor-rates? The right hon. gentleman observed, that the difference between the interest paid by the public for the exchequer bills, and that which would be demanded of the borrowers, would meet every expense incidental to the plan. Now, he begged to inquire, whether the commissioners were to receive salaries or large gratuities?

The *Chancellor of the Exchequer* replied, that personal securities must be given to the commissioners, as well in the case of parishes as of public works. With respect to the second question, he should merely observe, that on other occasions of a similar kind, gentlemen had been found who devoted their services to the public gratuitously; and it was to be hoped that no difficulty would be experienced in discovering individuals equally disinterested in the present instance.

Mr. *Brougham* said, he agreed with what had fallen from his right hon. friend below him, that it would be most painful to his feelings if he should find himself compelled to interpose any obstacles in the way of the present measure. It would be arrogance in him, however, imperfectly as he yet understood its nature, to argue upon its general character; and he could only express a hope that it might be found practicable, and calculated to overcome many of the objections to which it at first appeared liable. At the same time he wished to take that opportunity of expressing one or two doubts that prevailed in his own mind. In the first place, as to the manner in which the money was to be employed. It was evident, that it would be chiefly, if not entirely, applied to the promotion of public works. As to the idea of parish officers becoming manufacturers, it was so prepostrous, that its absurdity hardly required to be illustrated. It was impossible they should be able to carry on any branch of manufacture, either with benefit to the community or with comfort to themselves. The idea was equally absurd, as applicable to agricultural pursuits. Public works, therefore, of some kind or other, would be the objects to which the money must be applied. But then a difficulty immediately occurred. What now kept public works from going on? Was it the want of capital solely? He was afraid not. He was afraid it was the want of a demand for public works, and that canals, bridges, and roads, were not now wanted, for the same reason that other productions of labour were not wanted. If they were found no longer to answer the views of private adventurers, it was not likely they would ever tempt persons to become debtors of the Crown for the sake of carrying them on. If, on the other hand, they were desirable speculations, would not the money that was necessary for their continuance, be borrowed in the usual way? For it would have this advantage, that no exchequer process could be issued against the borrower, and it appeared that the usual Crown process was to be employed in recovery of whatever sums might be lent in pursuance of this proposition. The only effect of the measure would be a facility of obtaining loans. It would throw 1,500,000*l.* into the market, and thus facilitate loans; and this would be its only effect, its only benefit. With respect to canals, he believed there was nothing which had been more overdone in this country than that description of improvement. Besides, the assistance in that way must necessarily be very limited. At best there were but two canals at which work could be increased. About three docks might be found to be made throughout the country. Then, as to roads and bridges, he believed there was no slowness, even in the present distressed state of the country, in making roads where they were wanted. The advantage was so evident and the benefit so immediate, that capital to undertake them was seldom deficient. Perhaps application might be made for assistance to finish a bridge or two, but even there his own hopes were not very sanguine. It surely was not intended to make canals, and then to get water to go into them; to build bridges over places where there was no water. What relief, then, were the distressed throughout the country to derive from this measure? With regard to parochial relief, he doubted whether any great advantage would be derived from that part of the plan. He would take Birmingham for example, from which place he had that night presented a petition, signed by upwards of 12,000 persons, who were out of employ. He might fairly, however, estimate the unemployed male population of that town and its neighbourhood, who were capable of work at 25,000. According to the proposed plan, by which the relief afforded to a parish was to be in the proportion of one half of what it annually paid in poor-rates within a certain period, Birmingham would be entitled to receive only 30,000*l.*, having paid for some time past at the rate of 60,000*l.* a year for the relief of its poor; that was about 22 or 23 shillings a piece! But suppose to that were added 50,000*l.* for a canal, a road, or a bridge. The whole relief which that sum would afford, at ten shillings a week for labour, would only be to employ 2,000 out of the 25,000 for one year, at wages of 10*s.* a week, a sum hardly sufficient for the support of life. These things he mentioned solely to guard against disappointment; to prevent expectations from being entertained that never could be realized.—There were two other points on which he had his doubts, and which he would shortly state to the House. The first regarded the mode of recovering the sum lent by exchequer process, if the security could not otherwise be made available to the public. He did not think such rigour was necessary, and, that if applied, it would defeat the objects of the plan. Although this was the usual mode of recovering the debts of the Crown, yet an act of parliament could easily dispense with it, and exclude the operation of extents. If the measure was at all intended or expected to yield relief, let the security upon which the advance was to be made be the same as that demanded by other capitalists, and nothing more. If the process of extent was to hang over all those who availed themselves of the means of encouraging labour and completing public works, there would be no individual, or associations of individuals, who would expose their property by stepping forward to take part of the loan. Corporations might be found to borrow on corporation funds, in which they felt no personal interest, but private persons would never run such a risk.—A second point to which he wished to call the attention of the House, and upon the proper settling of which he entertained some doubts, was the manner in which the fund, supposing it to be called for, was to be distributed; who were to be the persons under whose management the exchequer issue was to be placed, and what were the regulations to be made to guard against abuse? Every thing would depend upon the wisdom and the impartiality of the commissioners, and the manner in which securities were required. The greatest care ought then to be taken in the selection of these commissioners, who, according as they did their duty, well or ill, might employ the funds placed at their disposal beneficially for the country, or convert them into a source of corrupt influence and an engine for party purposes. Such a choice of them should be made as would not only be agreeable to both sides of the House, but would coincide with the wishes and deserve the confidence of the country—men above all suspicion and free from all influence. Such precautions against using the public purse for the promotion of ministerial or personal objects were the more necessary at the present time, when we were probably within four or five months of a general election, in which the influence of this measure might be used. When speaking of the relief to be administered to the country, he was reminded of one class of men, whose case, as much as any other, deserved consideration; and from whom, if no relief was prepared for them, no exaction should at present be made. He alluded to that distressed class of persons who were still in arrears for property-tax. If exchequer-bills were issued to enable them to put off the payment of their arrears for two or three years, or to remit the payment altogether, a great and unequivocal good would be done. Much of our suffering, in many instances, arose, he was convinced, from the oppressive operation and heavy arrears of that tax. This was the cause why the retail dealers sales were diminished. The persons themselves were in a most lamentable and hopeless situation: they had not paid their taxes, because they were unable to pay them; and he was persuaded that their arrears might be cancelled without any loss to the revenue, or any encouragement to others to withhold payment. He threw out this hint for the consideration of government; and suggested to the chancellor of the exchequer, that in the ways and means of the year, he should introduce some measure to relieve the great distress and misery which these people suffered. In stating the difficulties and the doubts that occurred to his mind at the present moment, he did not wish to be understood as having given any decided opinion, or as having precluded himself from the most ample discussion, when the details of the plan were better understood, and its provisions came in a different shape under the consideration of the House.

Mr. *Butterworth* recommended that a portion of these funds should be applied to the erection of parochial school houses.

The first resolution was put and carried. On the second resolution, for voting the sum of 250,000*l.* to be applied to the use of the public works and fisheries of Ireland,

Sir *F. Flood* expressed his surprise at the short measure of relief meted out for his native country, considering her merits and her sufferings. Ireland had a claim over every other part of the empire. What had her conduct been? She had been patient under suffering, while here they had been meeting in Spa-fields to subvert the laws of the land. Yet that patient meritorious Island, the right hand of England, was in a state of almost absolute starvation. He had travelled over five counties of it lately, and found the poor had nothing to subsist upon but their half-boiled potatoes and their prayers. Let the people of Ireland have justice done them. They had contributed more than their share to the victorious war that had terminated in a glorious peace; and they did not, like the inhabitants of England, desert their country, and emigrate abroad to spend their money. The number of rich emigrants, who gave to foreigners the bread of their own countrymen, was a serious evil. They were now leaving the country like shoals of herrings. People of all ranks, nobles and commoners, earls and lords, were removing to distant lands. They ought to be made responsible for the money they drew from home, and the people whom they impoverished. They professed to have the object of amusement for their emigration; but if they want amusement out of their own country, let them come among us. Instead of that they run to Dover, from Dover to Calais, from Calais to Boulogne, and from Boulogne to France. [a laugh.] He wished 20 per cent. were laid on the income of all absentees. He would allow none to be abroad for more than two or three months, unless they could produce the certificate of a physician that their health required a change of climate. The Irish members, at a great expense and with considerable difficulty in procuring their rents from their unfortunate tenants, came to this country to do their duty; and yet in the meritorious endeavours of the chancellor of the exchequer, their suffering constituents were cut off with short measure. All they wanted was capital. He trusted, therefore, the right hon. gentleman would re-consider the second resolution, and add a few thousands more for the use of the right arm of England.

The resolution was then agreed to.

HOUSE OF COMMONS.

Tuesday, April 29.

SALT LAWS BILL.] On the motion for the second reading of the Salt Laws Excise Bill,

Sir *C. Pole* opposed the bill in its present state, as calculated to throw 20,000 of his constituents, who were fishermen, out of employment, and drive them to commit smuggling and other illegal acts. He recommended that the subject should be considered by a committee above stairs, with a view to some modification that might remedy the evils with which the bill was fraught. Unless this were assented to, he should feel it his duty to move that the bill be read a second time on that day six months.

Sir *W. Lemon* seconded the motion, and declared, that if the bill were to pass in its present state, the fisheries in Cornwall could not be carried on. If an opportunity were offered to the fishermen by the appointment of a committee above stairs, he was confident that they could show insuperable objections to the adoption of the measure.

Mr. *Lushington* said, that the bill was intended not to oppress but to relieve the fisheries, by giving them the liberty to use rock salt, and thus bring to a certainty those experiments which had been successfully made in several instances. The bill was not founded on the representations of commissioners of excise, but on the evidence of persons interested both in the salt trade and in the fisheries. The trials which had been made led to a sanguine belief that rock salt was perfectly applicable to the purposes of curing and preserving fish. He thought it absurd that the law should be suffered to remain as it was at present, depriving the fisherman, even if he were inclined, of the right to use rock salt in his business. The use of it for this purpose had been already found productive of the greatest benefit in the Isle of Man. The effect of the bill, therefore, he had every reason to believe, would be to bestow relief to the 20,000 constituents of the hon. baronet, instead of driving them out of employment.

Mr. *Davies Gilbert* was not averse to that part of the bill which went to authorize the free use of rock salt in the fisheries, but he could not consent to the prohibitory duties on foreign mine salt. If the latter clauses were withdrawn, his objections would be removed; but he must otherwise remain of opinion, that the bill ought to be referred to a committee up stairs.

Mr. *Grenfell* was desirous that the farther consideration of this question should be postponed. In his opinion, the surrender of the whole of the duties on salt would have been a wise measure, even though the condition had been the continuance of the entire malt duties.

Sir *T. Acland* thought the matters of detail necessarily involved in a question of this nature demanded investigation before a select committee, where all the evidence might be fully examined.

Mr. *Finlay* concurred in the same opinion.

Lord *Cochrane* recommended the removal of all restrictions on the refinement of salt; the consequence of which would be to render the importation of that article unnecessary.

The *Chancellor of the Exchequer* expressed his willingness to allow the subjects respecting which there was so much difference of opinion, to undergo the examination of a committee above stairs. The question was whether the proper course would be to suspend the progress of the bill till the result of the inquiries of the committee above stairs could be known, or to transmit the bill in a perfect shape to the committee.

The *Speaker* stated, that in point of form there were one or two instances of a perfect bill being sent to a committee up stairs, but this was not the general practice of the House, neither was it convenient. It would be better to suspend the progress of the bill through the House during the sitting of the committee above stairs.

Sir C. Pole withdrew his amendment.

Mr. *Calcraft* said, that being perfectly satisfied with the impression which the agitation of this question had produced on both sides of the House, it was not his intention to trouble them with any additional observations during this session. In the next session, however, he hoped to be able, with the assistance of those hon. members who concurred with his sentiments on this subject, to relieve the public from this most grievous, unjust, and impolitic tax. At present, he was perfectly satisfied with what had been done, anticipating that they should obtain that benefit in the next session. He could not sit down, however, without disclaiming the intention of recommending any commutation for this tax; and, least of all, that any additional burthen should be imposed on the article of beer.

The bill was then read a second time.

Finance Committee.] Mr. *Tierney* wished to know when the Finance Committee were expected to report on the income and expenditure of the country. They were at present occupied with the ordnance estimates of the army, and having disposed of them, they proposed to take up those of the navy, so that he apprehended some weeks must elapse before they would make another report. He could wish to ask the chancellor of the exchequer if he meant to take a loan in the present year, or if he had any intention of funding exchequer bills. It was rumoured that he did not propose to do either, and if this were the fact, the House must see how important it was that they should be made acquainted with the right hon. gentleman's new scheme of finance. That a large sum must in some way be raised for the service of the year could not be disputed, but he thought the House ought not to wait for the report of the committee on estimates not yet referred to them, before they were put in possession of the right hon. gentleman's plan. If they did this, he wished to press upon the House at what a very late period of the session they must enter upon the discussion of the finances of the country.

Mr. *D. Gilbert* said, it was true the committee were at present occupied with the ordnance estimates, but orders, in the mean time, had been given to the proper officers to prepare the estimates of the income and expenditure of the present and next year, to be laid before them. The estimates it was necessary to go through with first, to form the ground-work of their subsequent proceedings, and these before them it would soon be in their power to report to the House.

Mr. *Tierney* said, it was clear what must be the result—a great issue of floating securities of some description or other. It was, however, proper that the House should know in what way the chancellor of the exchequer proposed to provide for the service of the year, and above all what amount of exchequer bills had been purchased by the bank, of which they had at present no account.

The *Chancellor of the Exchequer* was desirous of expediting by every means in his power the proceedings of the finance committee. It was, however, obvious, while occupied with one particular branch of the inquiry, they could not give their attention to other parts of the subject, so as to be able to report on the probable expenditure and revenue of the country, till the estimates had been successively brought before them, and till they had had an opportunity of examining those persons who were capable of giving them that information on which their report must be grounded. They were now taking the course necessary to put them in possession of such information as would enable them to form an opinion on the subjects referred to.

Mr. *Tierney* observed, that those examinations on which their report was to be made had not yet begun. Such was now admitted to be the situation in which matters stood. The House would remember how he had been scouted when this committee was moved for, on his proposing that two committees should be formed instead of one. Had the course he recommended been then pursued, at this day they would have had a general view of the state of the country before them. Now he would defy any man to say, that such a statement could be brought forward for discussion earlier than in the month of June.

Third Secretary of State.] Mr. *Tierney* said, he now rose to renew, in point of substance though not of form, a motion which he had made last session of parliament; but in which motion he unfortunately had not succeeded. That motion was, "That an humble address be presented to his royal highness the Prince Regent, to represent to his royal highness, that his majesty's faithful Commons, relying upon the gracious disposition of his royal highness to concur in all such measures of economy as may be consistent with the security of the country, humbly pray that his royal highness would be graciously pleased to give directions, that the division of the state offices made in 1794, (by which, in addition to the secretaries of state for the home and foreign departments, a secretary of state was constituted for the war department), be revised, and that the departments of the secretaries of state be, now that peace is happily restored, again placed with all convenient dispatch, upon the footing on which they stood in 1793." He now intended to move for a committee to inquire into that subject. He did not wish the House to suppose that there were any doubts now in his own mind as to the propriety of abolishing the office; but he had resorted to this course because he saw, in questions of this sort, he had not the smallest chance of success in any other way; for when assertion was met by assertion he found a deaf ear was generally presented to that of the one side, while gentlemen in office were more easily believed, it being supposed that they were more likely to be better informed, than their opponents. It was this circumstance that induced him to move for a committee, to inquire how far the office of third secretary of state was necessary, and whether the duties of that office could not be transferred to another, without any detriment to the public service. One great inducement for him to undertake this subject was, that he had the previous sanction of his majesty's ministers; for a committee of their own appointment was named by the lords of the treasury last year, for purposes under the description of which this subject particularly fell. Mr. Ryder, Lord Binning, and Mr. Sturges Bourne were appointed last year to inquire into all offices created since the commencement of the war in 1793, with a view to ascertain what reductions could be made. They were confined in their operations to the offices created since the war, as it was no doubt presumed that all those created anterior to the war were of too sacred a nature to be touched. Now this office of third secretary had been created since 1794; it had been created not only since the war, but expressly on account of the war. And how this office had escaped the notice of those three gentlemen, was to him quite unintelligible, except on the supposition that there was an understanding in all such committees as the one in question, never to go before the wishes of the House, but carefully to keep back, till goaded on by the reiterated calls of the House.

He begged the House to consider that all he was now called on to do was to make out a strong enough case for referring the subject to the examination of a committee, and nothing more. It was sufficient for him to establish that the secretary of state for the war and colonial department had been created since 1793, to urge the authority of the treasury itself to induce gentlemen to consent to the inquiry. What had been the inducements to create that office? Whether it had been in consequence of this or that particular arrangement—with all this he had nothing to do—it was enough for him that it had been created since the war, in consequence of circumstances arising out of the war. He should follow therefore the course recommended by the treasury, and propose a committee to do that which the treasury committee ought by their instructions to have done, namely, to inquire whether that office was or was not unnecessary, and whether the business of it might not be transferred without injury to the public service, to other departments. He did not mean to say, that the business of the colonial department was not great, nor that the individual who had the management of it, had not executed all the duties confided to him *bona fide*, and assiduously, and was well entitled to all the salary which he enjoyed. It did not follow that because the office of third secretary might be abolished, that the country should be deprived of the services of the hon. gentleman (Mr. Goulburn): he and his plantation clerks might be transferred to another office, with great benefit to the public service.

And here he could not help alluding to some notable discoveries which had lately been made—it had been found out that two lords of the admiralty, who had nothing to do, were essential outposts and bulwarks of the constitution; but he did not expect to hear the same thing alleged of the office of third secretary of state. That office, which was called the office for colonies and war was an excrescence growing out of the foreign office. It was considered by Mr. Burke as one which was totally unnecessary at the end of the then war, and the existence of which could only be justified by the exigencies of the war. The office was accordingly abolished, in consequence of an act of parliament, at the termination of the American war. To prove that it was necessary now would be a difficult case; and he should have but little difficulty in proving it unnecessary. The first thing he had to do was to quote the act of parliament by which it was created; for, since the termination of the war, one half of it had been done away. The office was established for war only. In 1802 and 1803, the business of the colonies was taken from the home department, and added to the war department, and called the war and colonial department. Of the two branches of which it was composed, the one was now entirely done away; but, by some unaccountable accident, it had escaped the treasury that one half of the salary ought to have followed. There was now a whole salary for half an office. The total number of clerks acting under sir Henry Bunbury was 19—eleven of them had been taken away, that was considerably more than one-half. They were now to consider, first, whether having got rid of half the duty, they were still to have the whole of their salary; and the next thing to be considered was, how the remaining half was to be got rid of, that remaining half being confined entirely to the colonies. The increase of colonies since 1792, was all that he had to meet; for if there had been no increase in the colonies since 1792, he should have had no difficulty whatever. There had been an increase of nine colonies since that time, without including Heligoland, a place of so little importance that there might be some gentlemen who did not even know where it was situated, and also not including St. Helena. There were in fact, nine additional colonies to be managed, and no more. Suppose these nine colonies had been obtained for this country by any specific treaty of peace, would any man have ventured to get up in the House, and say, that these nine colonies required the appointment of a separate secretary of state? The whole, however, turned on this—the whole turned on nine colonies. How, then, could any man defend the office by saying that the continuance of these nine colonies after the war required a secretary of state? What was the difference between the continuance and the getting possession of the colonies by a specific agreement? Comparing the number of colonies now, with the number in 1792, there were nine more, but comparing it with the number in 1801, there were less. Now, the duke of Portland had executed the duties of the office from 1794 to 1801. During the whole of that time the colonies had been under the guidance of the duke of Portland; and when in answer to a proposition to transfer the colonial department to the home department, it was stated that this would occasion a grievous increase of business to the latter, it might be proper to look back to what the duke of Portland did, and what was now the state of the home department. The duke of Portland had, and that during a time of war—a circumstance which made a material difference—during a most arduous period, the management of all the colonies; he had the management of the internal government of Britain—he had all the Alien office, a labour which not only did not exist now, but which had not existed for many years;—he had the raising of the militia which were then embodied—he had the important business cast on him of corresponding with Ireland while it was not united to this country, while the secretary was not resident here, when there was not an Irish officer here, and when Ireland was in a state of rebellion.

He should be told, perhaps, of the trouble occasioned by the state of the interior of the country; but the Habeas Corpus act was suspended then, and it was then stated, and stated truly, if we were to believe them then as well as we now believed his majesty's ministers, that it was impossible there could be a greater rebellion reigning more in the heart of the country than there was at that time. Was he to understand—no he would not understand that lord Sidmouth would profess himself less competent to discharge the duties of his office than the duke of Portland; and yet he did not understand how he could refuse taking upon himself the same business which the duke of Portland discharged, without making such a profession. Now see what the advantages of an inquiry would be. Lord Chichester was appointed to the home department in 1801, and if lord Chichester would say that the colonies were taken from him on application of his own, he would be contented never to open his lips again on the subject except in favour of a third secretary of state. The truth was, that the patronage arising from the colonies made them the fairest flower in the garland of the home department. The colonies were not joined to the war department, because the business of them was too much for the home department to sustain. The business of Ireland, as far as the home department was concerned, lay in a very small compass. The Alien office business was now trifling, according to the confession of ministers themselves, for only two aliens had been sent out of the kingdom for some years. The militia could not be considered as giving now any trouble. The only thing which could be urged was the state of internal disturbance; but this point could easily be got over, by making the transfer conditional, on the restoration of tranquillity, which could not be considered as at any distance. The truth was, that the home department was nothing but an office of police.

He was sure that the result of the investigation would be that there was not the smallest occasion for any additional strength to the home office. He had no objection however to propose, that the hon. gentleman opposite (Mr. Goulburn) should be transferred to that department. He would tender him to lord Sidmouth, and as he was pretty sure that the proposal would not be disagreeable to the hon. gentleman the home office would then have the benefit of three under secretaries. The saving to the public by the abolition of the office could not be set down at less than 12,000*l.* a year. Was not that a saving worthy of attention? An extraordinary circumstance had taken place since he had spoken last on this subject; they had had a declaration from the opposite side of the House, with respect to the great advantage to the public, from the existence of high offices of state, not absolutely necessary. The committee of finance, acting in the spirit of this doctrine, had assumed that three secretaries of state were absolutely necessary; and laid it down that each of those secretaries might be entitled to receive a pension of 2,000*l.* a year at the end of two years services. He would, therefore, put it to the House, whether, taking this pension into consideration, the saving, in consequence of this abolition, would not be more than all the savings together proposed by the ministerial commissioners? If it should be said that the home department was at present so burdened with work, that it could not take the additional business, why then they must wait till this pressure should be at an end, which would be soon. Take a case in point—The master of the Mint had not, for instance, till last month, been much troubled with business; since that time he had had, no doubt, a deal of business to do, which he had executed much to the satisfaction of the public. But then this business being over, he would soon be enabled to say as before, "I have no particular department: I answer for all the departments." The suggestion which he was making to the House was founded on the conviction that the whole of the old colonies should be transferred to the home department. During the first years of peace the business of the colonies might be attended with more difficulties than at other times, but every year would lessen the difficulties. He had stated that there were nine additional colonies, but of these colonies there were several which it was to be recollected formed no part of the system. Four of them were in the West Indies, two in the Mediterranean, and three in the East Indies. Those in the East Indies were nowise connected with those in the West Indies; and those in the Mediterranean had no connexion either with the West Indies or East Indies. The home department might be allowed to keep the four new West India colonies. The board of control might be put over the three in the East Indies, namely, the Cape, Ceylon, and the Mauritius, and they might add St. Helena, though it could not give much additional trouble, as it might rather be considered a gaol under the care of the police of Europe—With respect to the Mauritius, the management of it might be attended with a little more difficulty; but as to the Cape and Ceylon, as we had happily overturned the king of Candia, they would be as quiet as Gibraltar. These colonies might already, in some sort, be considered as under the board of control, for no material step could be taken with respect to them, without consulting the board of control—As to the remaining colonies,—Malta must be considered as more connected with the foreign secretary. Of the Ionian islands he hardly knew how to speak, whether they were ours or not—all he knew was, that they were placed under our protection, and that sir Thomas Maitland was governor of Malta, and that he exercised a superintendence over these islands. He apprehended, however, that the nature of the connexion with the Ionian islands was not colonial, but purely political;—and that it must be with the foreign department that sir Thomas Maitland carried on nearly his whole correspondence. There remained, therefore, but four new colonies to be given to the home department. On the face of the transaction 12,000*l.* might therefore be saved, if such a transfer could take place without injury to the public service. The result of an inquiry would be to set these questions at rest. Lord Chichester might be examined, and lord Spencer, and an honourable gentleman in the House who had been under secretary under lord Spencer. An irresistible body of evidence would be brought before such a committee, proving that the office of third secretary of state was unnecessary. Parliament was bound to save every farthing to the country which they possibly could; and 12,000*l.* a year, and the pensions of 2,000*l.* a year, and retirements to the higher clerks, formed an object well deserving of their consideration.

He could not conceive how it was possible to make a more effectual appeal to the House than this case amounted to. But he had heard it whispered, that if they pared so very closely, they might reduce too much the influence of the Crown. How stood the case with respect to the influence of the Crown, since 1792? When the board of control was instituted it was to have no influence—it was to be executed by the treasurer of the navy, without any other salary than that of treasurer of the navy. Two young gentlemen, sons of privy counsellors, were to have offices without any salary. They soon found Mr. Dundas, however, taking 2,000*l.* a year, and the two young gentlemen 1,500*l.* each. Soon after that again, the president obtained 5,000*l*; and so fruitful was the soil of the board of control, that at this moment it furnished a crop of four members to the House, with abundant salaries. It was to be remembered too, that in 1792, and for many years after, it happened that many offices were executed by the same person, and it was made a rule, that when one individual held several offices, he was not to hold several salaries. For instance, lord Grenville held the office of auditor of the treasury and that of secretary for foreign affairs. The salary of one office was 6,000*l.*, and of the other 4,000*l.*, but from both lord Grenville only received 6,000*l.* per annum. Lord Melville held the offices of treasurer of the navy, of president of the board of control, and of secretary of state. From all these offices he received 8,000*l.* a year, viz. 2,000*l.* a year as secretary of state, 2,000*l.* as president of the board of control, and 4,000*l.* as treasurer of the navy. Now these offices were executed at an expense of 15,000*l.* a year. The secretary of state had 6,000*l.*, the treasurer of the navy 4,000*l.* and the president of the board of control 5,000*l.*

Under these circumstances, did they ask too much when they desired some inquiry to know whether the great additional expense thrown upon the country could be avoided by some consolidation of offices? He should despair of any substantial good, unless the House itself took up the subject. Of the finance committee they had a specimen from the first report. It was made a great matter of boast that they had abolished all sinecures. Why, as far as the committee had abolished sinecures, they had already been abolished. It was, in fact, nothing but an old report vamped up, to which was added, as an appendix a bill which had been thrown out in the Lords! As to offices which it would have been within the power of the House to have reduced, what had they done? They had said that one of the joint pay-masters of the army might be abolished. This was, indeed, a new discovery, and in contradiction to the arguments which had been urged in the House as to the inexpediency of abolishing the moiety of an old established office. But, on the other hand, the committee discovered that another officer required assistance, viz. the vice-president of the board of trade, and that for his service he should receive precisely this 2,000*l.* a year in that capacity, which he was to lose in his capacity of joint pay-master. Why was his salary fixed at this sum—was there one examination?—No. Then, on the other hand it was said, that it was advisable that the two joint post-masters should remain, and what was the reason given?—That the sum to be managed was so large. If this had been a good reason, it would also have been a good reason for continuing the two pay-masters, for the sum they had to manage was undoubtedly greater than that managed by the post-masters. Thus an office was to be preserved, and a new one created without any ostensible reason, but solely on the alleged opinion of this committee of finance.

It would be urged, perhaps, that the House would have an opportunity of revising the work of the finance committee; but when it was considered that the chancellor of the exchequer, and the secretary of state were members of that committee, he must be a very audacious person who would reject what they suggested. It became the duty therefore of the friends of economy and retrenchment to bestir themselves in the House, if they hoped ever to effect any real saving to the country; for it was idle to sit patiently and rely on committees of finance. He now called on them to undertake an inquiry, which would lead to real economy. But while he contended that no efficient saving could be produced until the salaries of offices were proportioned to their efficient duties, he was aware it might be urged, that it would be impossible to form future administrations if the Crown were bereft of this appointment. If we made war first on the lords of the admiralty, and then on the secretary of state, what situation could hope to escape, and what would be left for future administrations; and what administration could do without such appointments? He could only say, that if no administration could hereafter be formed on that principle of economy, he hoped the present administration would be the last. And certain he was, that it was in vain to talk of economy or retrenchment, if we stopped short of any measure that did not go at once to draw some proportion between the appointment of salaries and the duties to be performed for them. Where those duties were real and effectual, the salaries ought to be commensurate with them; and he must protest against that miserable expedient by which it had been attempted to satisfy public clamour with the appearance of a sacrifice, the expedient of reducing 10 per cent. out of the salaries of offices the duties of which were real and important. There could be no doubt that such offices should be liberally paid, and the House should see that the duties of them were efficiently performed; but where the duties performed were important, would it not be much better to leave the gentlemen officiating in the discharge of them in the full enjoyment of the salaries they deserved, than to abridge the wages of real service for the sake of paying those who had nothing to perform? It was a declaration that those offices were overpaid, which he did not believe to be true. The amount of the 10 per cent. contribution from the offices of the cabinet, could not be more than

7,000*l.* a year. He had now pointed out a way in which 12,000*l.* a year might be saved, which was 5,000*l.* more, and was it not a better way of coming at it? It was mean; it was an insult on the country to think it would be pleased with an offering of 10 per cent. from efficient offices, unless, indeed, they permanently resigned that proportion of their salaries, from the conviction that they were overpaid. But while he was willing to see efficient officers well paid, he was also of opinion that no salary should be paid to any officer whose services were not required by strict necessity.

This was the view of the subject which every liberal man, which every friend to real economy would take. He had shown that the duty of the office of colonial secretary did not require a distinct officer to perform it; he had shown that the home secretary was not entitled at present to 6,000*l.* a year, but he had also shown how he might earn it. He begged the House not to believe, because there was a rise in the stocks, that the country lost sight of the great question of economy. The necessity of the most rigid economy was now striking, when there was a difference between our income and expenditure of 14 millions, at the very lowest calculation, which how it was to be made good, God only knew. Though 12,000*l.* fell very short of 14 millions, it was a saving not to be disregarded, and it was beginning at the right end. It was easy to disband poor clerks, or to reduce the inferior departments, which had grown out of the war, but what must be the feelings of the individuals who had held them when they beheld the great office of all, which had grown up under the same circumstances, still flourish in high splendour? What would be the feelings of reduced officers, who had barely a pittance to support existence, when they saw that the heads of the departments with which they had been in correspondence during the war were not abolished, but retained all the emolument, although the service was at an end; when they found that, if ever one of these greater functionaries fell from one place, another immediately started up for him. If he saw such a proposition adopted as that which he (Mr. Tierney) now suggested, the reduced officer might acquiesce with patience in the lot that was awarded him; but at present, the inequality between his treatment and that of the higher department could not afford him any very consolatory reflections in effect, it was high time that government should do something to show that they were willing to relinquish a little of their own, and in reality to make some sacrifice to the necessities of the country, the only sacrifice he required was the abolition of offices that were no longer necessary. There was not a person in the country who would not understand the motive of a vote (if such should that night be given) to preclude the inquiry for which he was now contending. If all investigation was to be refused, and this office retained, on the bare assertion of government that it still continued to be necesary, it was impossible that any conviction or satisfaction could be the result of such an assertion. It was not only on the finances, but on the feelings of the country, that this show of economy would have its effects. When he had before talked of the abolition of sinecures, the chancellor of the exchequer had smiled, and well he might. They were very properly to be abolished at the expiration of the existing interests. This was a benefit only in expectancy; but it was their duty to do something like a sacrifice, something which they might themselves feel. If they refused to inquire into this office, no man could misunderstand the reason. During all former investigations, the treasury had made a special exception in favour of this office. It had been excepted by the treasury committee and by the finance committee, from their general inquiries; but was the House, on the mere assertion of this committee, to abstain from interfering? It was his conviction the office was unnecessary, and he declared most solemnly, that he would not vote for the abolition of one office from which he would not also exclude his own friends, if they were ever placed in the way of making such appointments. If they were to consider them necessary, he would not hesitate to assert that they ought not to come into office. On no other terms but those of the most rigid economy should any ministry be allowed to enter office, or to continue in it. Certainly he had no chance of ever becoming first, second or third secretary of state; but, if it were not so, if he were to be called on to-morrow to form a part of an administration, he would not consent to do so unless this office was abolished, or that it was shown that the public business could not be carried on without it. He was persuaded much might be done in the way of economy by the consolidation of offices, if there really existed a treasury disposed to economy, and not one which never resorted to economical measures, except when driven to them by stress of weather. It had been said by the committee of finance, that it would be necessary to pay a salary of 2,000*l.* a year to the vice president of the board of trade. Why might not the master of the mint perform the duties of that office? There were others who had seats in the cabinet, and nothing else to do—there was the chancellor of the duchy of Lancaster, and the lord privy seal, to whom no laborious duty whatever was attached. It was not too much to ask that they should do something for their salaries. Whether they continued the names of the president of board of control, or of the third secretary of state, he did not care—it was not to the words, but to the multitude of offices that he objected. If it was necessary that the colonies should be subject to a separate officer, why might they not be placed under the president of the board of control? It had been objected to this arrangement, that the president of the board of control could not take the king's pleasure, which was frivolous enough, and also not true; for it was customary for him to take the king's pleasure on the appointment of a governor-general, and also of the ecclesiastical officers in India. This objection was therefore founded on a gross misstatement. There was in fact no more necessity for a third secretary of state than for a third archbishop. It was not to be got rid of however but by a motion in that House.

It was not pleasant to be obliged to bring forward motions which seemed to be directed against individuals. Though he was certain that the noble lord in the department of the third secretary of state could not impute any motives of personal hostility to him, (Mr. T.), yet he felt it exceedingly unpleasant to be thus attacking a particular office year after year, and to offer to throw such a load on lord Sidmouth as might perhaps kill him. At all events he should be consoled by the consciousness of having performed his duty. He hoped however that ministers would, for once, come forward themselves and spare an individual so disagreeable a task. Unless they did this, all temporary expedients were but vain; they might suspend the Habeas Corpus, but they could not suspend the spirit of inquiry and discussion that now pervaded every class of the community; they could not by any other means lessen the burthens or alleviate the distress of the country. They might have recourse to coercive measures; they might for a season, silence the loud expression of public opinion; but by no other means could they tranquillize the spirit of the people, or persuade them that there was any wish to correct the abuses they complained of. If the House refused inquiry, they would forfeit the confidence of the country, and he trusted the people would manifest their sense of this dereliction of duty. He would conclude by moving, "That a committee be appointed to take into consideration the business now remaining to be executed by the secretary of state for the war and colonial department, and to report their opinion, whether the continuance of the same be any longer necessary; and whether the duties performed by the said department may without inconvenience to the public service be transferred to any other offices, and with what diminution of charge."

Mr. *Goulburn* was perfectly aware, that every department of the state, might, with propriety, be called on for a statement of the nature of its services; and for himself, he certainly had no personal right to object to the motion of the right hon. gentleman. He had a little to add to what he had stated on this subject on a former occasion; but as he considered the motion of the right hon. gentleman had in reality for its object the abolition of the office of third secretary of state, though it appeared only to demand an inquiry, he must answer that part of the right hon. gentleman's speech, in which he imputed to his majesty's ministers a disinclination to adopt any measures of economy till they were compelled to them by the voice of the House. He was as willing as any gentleman on the opposite side of the House to agree in the reduction of useless places, but he thought it a pernicious parsimony to reduce such as were necessary and efficient. He did not think himself bound to show the inexpediency of appointing a second committee to inquire into the utility and efficiency of this office in particular, when a committee already existing had made the very investigations which the right hon. gentleman recommended. If the proceedings of that committee had not been such as to gratify hon. gentlemen on the other side, that was owing to their own refusal to join in the labours of the committee, and, as he thought, deprived them of any right of complaint. It would have been open to call for evidence to examine into details, and then to have brought forward a motion on the result of such examination.

With respect to the motion now made by the right hon. gentleman for the abolition of the office of third secretary of state, before any one agreed in that motion, he must think, either that no circumstances could justify the existence of such an office; or, secondly, that the business of the office was not sufficient to justify its existence at present; or, thirdly, that the duty could be better performed, by being annexed to other offices. With respect to the first proposition, he did not impute to the right hon. gentleman the extravagance of having seriously advanced it. It was true, he did allude in one part of his speech to an act that had been brought in for the abolition of the office at one period; but the right hon. gentleman could not have so construed that act, as to believe it must prevail at all times and under all circumstances, or irrevocably bind the House for the future. With regard to the business of the office, he felt under some difficulty as to the mode in which he should make a statement of it to the House: if he entered into a detail of the number of letters received and dispatched, it might be deemed fallacious, and be urged that many of these were merely circular; besides the chance he might incur of being laid open to ridicule, as on a former occasion, when the right hon. gentleman had said that it was very easy to come bustling down to the House with large bundles of papers, tied up in red strings, for the very purpose of display. He therefore should not enter into any detail of that nature; but if he could succeed in showing, that at the time when the existence of this office was admitted to be necessary, there was not more business to be performed than at present, he hoped, he should have made out a satisfactory statement to the House.

The period that had elapsed since the first institution of the colonial department in 1768 and 1782, would form a fit subject of comparison with that which had elapsed between 1802 and 1816; and for that comparison he should take the pages of entry in the books of office, because he thought they afforded, on the whole, a fair criterion. In the fourteen years from 1768 to 1782, the number of pages filled in the books of entry for twelve colonies were 3,139, giving an average of about 224 for each year. The same twelve colonies in the second period, from 1802 to 1816, filled a number of pages to the amount of 6,098, forming an average of about 435 for each year; so that in the latter period, the business of those twelve colonies was nearly doubled. But if they took the whole of the business of the North American colonies (including that of a military nature) together with the twelve colonies, for 14 years, from 1768 to 1782, and opposed it, in the same way, to the business transacted in the office from 1802 to 1816, the disparity would be found infinitely greater. The number of pages written from 1768 to 1782 was 6,246—being, on the average, 446 pages per annum; whilst the number written from 1802 to 1816 was 27,968 or 1,994 pages per annum. It might be supposed that the increase in the latter period was occasioned by the war. But the fact was otherwise. The war had only made a difference of about 500 pages per annum; the remainder of the increase was occasioned by the influx of ordinary business.

Having adduced these specific facts to prove that the business had greatly accumulated, he should next offer a few observations on the general principle. In every department of government, he believed, business had greatly increased; and this must be attributed, in a great degree, to the extension of education in every quarter of the empire. At present, almost every person in the empire could address the different offices of government; and communications from individuals moving in various ranks of society were poured in on them—a circumstance hitherto unknown. No hon. gentleman could, he imagined, be ignorant of this fact, that the increase of education had greatly contributed to the increase of business in all the departments of the state. On this account every department was obliged to enlarge its establishment, and yet was oppressed by the additional weight of business. Since 1803, the business of the colonial office had most materially increased. Gentlemen must be aware, that the correspondence connected with the abolition of the slave trade alone employed an entire office. In the constant anxiety and vigilance that was necessary for the due enforcement of this measure to render availing the best efforts of humanity, and to convince the other powers of Europe that we were in earnest in our attempts at a general abolition, and that we were actuated by no sinister motive in persevering to its accomplishment, there was ample demand for the exercise of great industry and talents, not only from Africa, but from every quarter of the globe where communications were poured in; and though, unfortunately in some instances, these reports had proved incorrect and unsatisfactory, yet the labour of attending to them, and distinguishing between those that might be relied on and those which were unworthy of credit, was by no means trifling. Besides this, there was the care of legislating for each separate colony. To all of them English laws and English principles were to be recommended, yet in such a manner as not to wound the feelings or clash violently with the prejudices of the place. To watch the times and opportunities, to select the proper modes and proper instruments for effecting these improvements and changes, required the vigilant exercise of considerable powers. It was this that had created the necessity for a third secretary of state; this that had increased the public business beyond all former precedent; and this that rendered it impossible to dispense with a separate department devoted to such purposes.

What he had urged with respect to the amount of business, showed why this department could not be conveniently transferred to any other office; that which had increased their business had increased the business of every other department; and though it might not become him to vouch for them, yet from the knowledge he had he was convinced that the duties could not be removed to any other quarter with any hope of their being duly performed. But it was not on these grounds alone that he thought it impossible to comply with the right hon. gentleman's motion. It was almost indispensable that there should be a responsible minister through whom the colonies might make known their wants, and who, by devoting himself solely to their service, might be competent to explain and support their respective interests. The right hon. gentleman had said, that he (Mr. Goulburn) was competent to this. He felt flattered by the right hon. gentleman's good opinion, but was convinced that such an arrangement would be impracticable; and there was no other office to which the proposal if feasible at all, was not equally applicable: and yet the right hon. gentleman could hardly contend for its application to the other great offices of state. But the right hon. gentleman would do well to consider the necessity of having a competent minister in this as well as the other great departments; and if he looked to the relief from expense, he should also see whether there were not disadvantages to counterbalance the saving that could be effected. The great excellence of the British system of government, was the freedom of discussion in that House, and the advantage of having a cabinet minister competent to give information on every question, and to render those discussions availing to some end; there was the additional security, too, that no act of the Crown could take place without the consideration of these cabinet ministers; but the proposal of the right hon. gentleman would go to withdraw this security from one great branch of our empire and resources. The colonies, too, had an additional claim to the care of responsible ministers, exclusively devoted to their interests. All other parts of the empire had their own representatives, who could speak to and defend their local interests. It was not so with the colonies, and if they could not be heard by their minister, they must run the hazard of being neglected or sacrificed to the interests of others. The right hon. gentleman had limited the annual saving to be effected to 12,000*l.*; but the colonies were greater now than at any former period; they were hourly becoming of greater importance, and he could not think so ill of the country as to think it would sacrifice the welfare of the colonies and the happiness of thousands for a saving of 12,000*l.* a year. We were not to consider these colonies merely as the appurtenances of grandeur, and the gratification of national vanity, but to weigh the rights of the people, and their individual claims to happiness. On these grounds he should oppose the motion before the House. The abolition of the office in question would tend only to the mismanagement of the colonies, and the sum saved to the nation would be lost in the diminution of the happiness of the colonists. To those who thought that the colonies were only an incumbrance on the country, it might be that these reasons would not carry any great weight; but with those who, like himself, considered them one of the great sources of our glory, and one of the great supports of our power affording resources in war, and increasing our commerce in peace, with those who thought them important under every consideration, it would not be doubted that they had a right to due attention, and that that attention could only be bestowed on them by a minister exclusively attached to their interests. For these reasons, he should give his decided negative to the motion.

Mr. *Marryat* said, he should support the motion, not only on the grounds which had been laid so ably by the right hon. mover, but in the hope that the abolition of the office of colonial secretary would lead to a revision of our whole colonial system. It was when the colonial secretaryship had been first appointed in 1768, that this country departed from the simple and wise course of experience in the government of its colonies, to lose itself in the mazes of experiment. A period of 150 years of previous prosperity bore testimony to the excellence of the system that had been established. The effect of the attempt to introduce direct taxation into our colonies was too well known. A long and expensive war ensued, which ended in the dismemberment of the empire, and the loss of colonies that were our pride and our glory, affording an unbounded opening to commercial enterprise, and a prospect for the future beyond the powers of anticipation to estimate. It might have been hoped that this melancholy result would have operated to deter from a similar experiment; but when in the late war the office of third secretary was revived, the system was soon renewed, and the effects would probably be not less disastrous. Trinidad had been made the farm of experiment, his majesty's ministers, like all other gentlemen farmers, had completely failed; and the colony had been reduced to the most ruinous condition. A despotic system of government had been introduced there—

Mr. *Goulburn* rose to order. He was prepared at any time to discuss the question of the treatment of Trinidad, but he could not imagine how it could have any bearing on the question before the House.

The *Speaker* called on Mr. Marryat to proceed.

Mr. *Marryat* said, he should be able to show that the condition of Trinidad had a distinct bearing upon the question. The erroneous system of policy he complained of, had been adopted, not only towards Trinidad, but all the colonies ceded at the late peace. Instead of pursuing the wise policy of Rome, in extending its own laws and the right of citizenship and suffrage to all the countries it acquired, we had, in our several colonies, systems entirely different from each other, and we appeared to be consistent only in the determination to exclude all the colonists from participating in those advantages which were enjoyed by the integral part of the empire. In the Mauritius we had French laws—at Demerara and Essequibo we had Dutch laws—at Trinidad we had Spanish laws—we had Greek laws in the Ionian islands—in short, for each of our possessions we had a different system of laws. This was a most extraordinary species of policy. While we governed our new subjects by British laws, we held out to them the strongest inducements to study the English language, and to become acquainted with our manners and habits. But, under the present system, these inducements were lost—we took no care to familiarize foreigners to our language, manners, and customs. The consequence was, that we made no progress in binding them to our interest—they remained foreigners to all intents and purposes. Was it not, he would ask, a matter of importance to consider the expediency of correcting such an anomaly? The neglect of introducing our laws encouraged the establishment of an arbitrary military government—and thus a taste for arbitrary government was infused into the minds of those who probably at one time or other would be connected with the government at home. An absolute command, quite independent of parliament, was, under this system exercised over the revenues of the colonies. A proclamation had been issued in Demerara, which set forth that the grants under the former government were null and void,—but added, that the Crown, in its grace, would suffer the proprietors to retain their possessions, provided each of them paid a fine of 100*l.*, and submitted to a quit-rent for life. As there were 1,600 of these proprietors, by this mode 160,000*l.* was raised from the inhabitants of this small island; and if so large a sum could be extracted from it, what treasures, he would ask, might not be raised from other colonies, which were infinitely more rich? What immense resources were thus placed beyond the control or interference of parliament? This however was perfectly unconstitutional. Both Mr. Pitt and Mr. Fox, on a memorable occasion, agreed, that if the Crown could control the public revenue, independently of parliament, there was an end to the security of popular freedom. Yet parliament appeared to have really nothing to do with the government of our conquered colonies. He did not mean to complain of any individual; but of the general system pursued. As to the proposition before the House, he felt that it was entitled to his support, because the consolidation of business would serve to facilitate colonial transactions, which were at present conducted in a very circuitous manner. For upon any application with respect to our colonies, under the existing establishments, reference was had to so many departments before any answer was obtained, that very inconvenient delays very often took place. Letters were, for instance, addressed to the colonial department, from the West-Indies. They were copied, and subdivided into extracts, which were sent to the various departments with which the business was connected. Reports were drawn up on these extracts; and on these reports the colonial department framed their letters. So that the business was done three times over instead of being completed at once—to the great increase of labour and the augmentation of the public expense. Besides, in consequence of this confused system, mistakes were frequently liable to occur. But this inconvenience was likely to be obviated by reducing the number of departments; for replies upon business connected with the colonies would thus be more directly and promptly obtained, and thus great satisfaction would be given to the colonists. The expediency of such a system of consolidation was indeed confirmed by the authority of the lords of the treasury with respect to the affairs of the commissary in chief's office, which was transferred to the treasury as more convenient to the discharge of public business. The office of the commissary in chief was in consequence abolished, and on the same grounds as that stated by the lords of the treasury, as well as upon other grounds which had been urged, he saw no reason why the business of the secretary of state for the colonial department should not be transferred to the office of the home department. With regard to the objection of the hon. gentleman to the motion before the House, that it should not be countenanced because it involved an innovation, he thought such an objection of no weight; for to resist innovation where a strong case was made out, as in this instance, would be to resist all improvement. From these considerations, particularly the political and constitutional ones, at the same time that he did not mean to undervalue the principles of economy and retrenchment, so ably advocated by the right hon. gentleman who brought forward the motion, he felt it to be his duty to give it his cordial support.

Mr. *Anthony Browne* said, that however disposed to concur with his hon. friend, in all his observations upon the anomaly of governing the newly ceded colonies, now the permanent possessions of the Crown, by any other than British laws, he was still of opinion, that the committee proposed by the motion of the right hon. gentleman, was not the proper place where that part of the subject could be most advantageously discussed; nor was the abolition of the important office of the secretary of state for the colonies the most advantageous mode of remedying the evil of which his hon. friend had justly complained.—The subject referred to by his hon. friend involved a question of grave responsibility on the part of those who advised the Crown to govern any part of its dominions by any other administration of law than that of our own invaluable code; but it was a question that could not be usefully discussed in an incidental way, or before a committee, such as the present motion went to establish. It was a subject deserving of the utmost attention of the House at large; and when his hon. friend might deem it desirable to bring it before the House in a distinct and substantive shape, he would give every support to his view of the case which it might be in his power to afford.

With respect to the motion which was the immediate subject of consideration; connected as he was with the colonies, and having many opportunities of knowing the nature and extent, and importance of colonial concerns, he had no hesitation in expressing his decided conviction, that the business was sufficient to engage the attention of a secretary of state, however enlarged in mind, and however devoted to habits of business; and that the transferring of those important concerns, and mixing them with the business of the home secretary, would involve a risk of great injury to those interests and abate much of that confidence, which, he believed, prevailed in most of the islands, in the manner in which their concerns were attended to, and administered by the noble lord at present at the head of the colonial department. He did not mean to say, that every attention would not be paid by the noble lord at the head of the home department, to colonial concerns, if the House should be pleased to commit that charge to his hands; but it was fair to suppose, that when his attention came to be divided between distant and immediate objects of his care, that the immediate would be attended to, and the distant ones neglected, if he found his mind, as he was persuaded he would, unequal to the conduct of both. The House was not to look at the mere amount of saving which would accrue from the abolition of the office, but in order to determine whether that amount of saving would be a measure of true economy; they were to look at the nature, the importance of those public interests which were under the superintendance of the office to be abolished, and see what risks those interests would incur by the change that was proposed. In order to form a correct judgment upon this part of the subject, it was not sufficient to look merely at the amount of business in the colonial department, which had been so accurately described by the under secretary of state for the colonies, but it was necessary to look at the nature of the business to be transacted, and its operation upon colonial interests. There was a time when two of the greatest statesmen of their day, however disagreeing in other matters, concurred in this principle, that the only means of retaining distant colonies, with mutual advantage to the parent state, and to the colonies themselves was, to enable them to govern themselves, by giving them a legislature of their own. Now the policy is different,—a new light has flashed upon the rulers of the present day; and without stopping to inquire which of the two is the best, it is sufficient to observe, that according to the present mode all the newly ceded colonies, or most of them at least, are governed by proclamations, directed by the secretary of state here. The business is not, therefore, increased merely, but it is of so important a nature as to make it necessary that the individual who is charged with this duty, should give his best and most anxious consideration to those circumstances of local policy upon which his conduct is to be regulated and his decision governed.—The House should bear in mind, that the security of property and of life too, both unhappily resting upon a very precarious tenure, are dependant upon the law, the consideration, and the sound judgment, and discretion of the colonial secretary; and were these objects to be put to hazard for a saving of 12,000*l.* per annum,—was this an office to be lightly dealt with, the duties of which were to be transferred from one office to another; as matter of no consequence, by whom they were executed, or whether they were executed at all? It was not a question now whether this was the best mode of governing the colonies, but it is necessary the House should bear in mind, that this is the nature and importance of the office of colonial secretary, before they determine that the office of colonial secretary should be abolished, and these important duties committed to one, whose time is occupied materially with concerns of a different nature, but important of their kind too; but he was not inclined to disturb the present arrangement, because of the general satisfaction which that arrangement gave to the colonies themselves. There was a time when much jealousy prevailed in some of the old islands, at the interference of the mother country in colonial concerns.—It was not necessary to go far back to learn the spirit of hostility which existed in some of the old colonies, to the general objects of the government at home; happily, that feeling is now at an end, and it has been succeeded by a confidence in the judgment and talent of the noble lord at the head of the colonial department, and his anxious attention to all objects of colonial interest. He happened to know, that in one of the old islands with which he was most connected, much objection prevailed, upon the principle of a registry bill; but those objections were removed by the confidence which was placed in the judgment of the noble lord, and by the conciliatory and persuasive tone in which he recommended the general adoption of a registry bill.—On this ground, too, he was unwilling to transfer the duties of the colonial office to that of the home department, at a time too when, more than any other in his recollection, the whole of the colonial system was exposed to more than usual danger. For these reasons he should cordially vote against the motion.

Mr. *Barham* rose, not to impute any blame to the official conduct of the secretary of state for the colonial department, whose conduct indeed had been most meritorious, but to contradict the statement of the last speaker, that the confidence of the colonies in the disposition of the mother country, was likely to be abated by any such arrangement as that which the motion had in view. The present was not a question with regard to the merits of lord Bathurst, or lord Sidmouth, or any other noble lord, but whether the business of the colonial and home departments might not be transacted in one office, and and at a much less expense to the public. Upon this proposition, he confessed that he was quite convinced by the arguments of his right hon. friend who made the motion, and whose arguments had not at all been answered by the details of the hon. gentleman on the other side. These details would indeed, come more appropriately under the consideration of a committee, where the abilities of those who conducted such details would no doubt be duly appreciated; and upon any new arrangement he hoped that such abilities, especially those of the hon. gentleman, would be called into action for the public service. His wish was, that the colonies should not be unnecessarily burthensome to the mother state. Some objects the colonies desired, and others they deprecated; but they had never expressed a desire for the establishment of any particular office. On the whole, feeling that no injury would result from the proposed arrangement, to the colonies, in which he had a deep interest, while a considerable saving would accrue to the country, he would give his cordial support to the motion.

Sir *M. W. Ridley* did not feel prepared to enter particularly into the question respecting Trinidad. The interests of the colonies he had always considered as closely connected with those of the mother country; but he conceived that the hon. gentleman's statement on the other side, as to the number of clerks employed or the quantity of business transacted in the colonial office, formed no argument whatever against the motion, because all those clerks and that business might be transferred to another office, without incumbering the country with the salary and emoluments of a third secretary of state. The statement of an increase of business in the colonial office, in consequence of the number of letters from this country, through the diffusion of elementary learning, was really ludicrous; as if the systems of Mr. Lancaster and Dr. Bell, furnished an argument for burthening the country with the maintenance of a third secretary of state. Neither could he see why the consequences of the abolition of the slave trade should render the third secretary of state necessary. The increase of business that might have occurred, must fall on inferior persons in the office. His right hon. friend never meant to cut off communications with the secretary of state's office; yet a saving might be effected of 12,000*l.* a year. The question for the House to consider was simply this, whether at a period of general distress, and on the restoration of peace, when the business of the office of secretary for war and the colonies must be so materially reduced, it would be right to continue an expensive establishment, rather than press upon the consideration of ministers the practice of that economy for which the country so loudly called, and which those ministers so often professed, but to which they seemed so little disposed.

Mr. *Wilberforce* declared, that from all he knew and heard, the office alluded to was overloaded with business, and from what he understood, such was also the case in the home department. The House, then, should duly consider whether the business of the colonies should be exposed to any neglect by acceding to the proposed arrangement. It was a duty which he owed to the colonies, to see that they were well governed; and he was of opinion that it required an individual of great consideration to look after concerns so important to the public interests; a person who should hold a high station in the public eye. He was disposed to take away offices which were without business to transact; but that did not appear to be the present question. Questions of the present description required specific consideration. With respect to the system of policy which prevailed in the government of some of our colonies, that was not at present the question before the House. But as to Trinidad, he had no hesitation in stating, that the Spanish law of that colony, as it applied to the larger portion of its population, was much more mild and humane than that which prevailed in any other colony. The saving of 12,000*l.* a year which was proposed by the motion was, no doubt, a serious consideration, and the right hon. mover was entitled to thanks for the disposition to economy which such an object manifested. But the question was, whether the saving of 12,000*l.* a year would not be much too dearly purchased by hazarding the good government of the colonies, and whether all the other public departments being already overcharged with business, the interest of those important settlements would not very materially suffer by agreeing to the proposed tansfer? In his opinion, however, it was essentially necessary, that the superintendence of our colonial concerns should constitute the business of a distinct, efficient, and dignified department, with a view to discharge the duty which was due to those great establishments, and to consult the best interest of the mother country.

Mr. *J. H. Smyth* supported the motion, observing, that while the duke of Portland presided at the home department, the business of the colonies was transacted in that department without any inconvenience to the public service, and during that period, namely, from 1794 to 1801, it was notorious that the colonial business was much greater than it could possibly be at present. The creation of the new office was unfortunate, as it was accompanied by the signals of rebellion. It did not appear that two secretaries might not do all the business. Mr. Burke proposed this in 1782, by a consolidation of the departments, declaring in his emphatic language, "that the inutility of a third secretary of state was as glaring as the burning light of day." He admitted that the duties of the office of his hon. friend opposite were very laborious, but yet he thought that a consolidation would diminish them.

Lord *Milton* congratulated his hon. friend (Mr. Wilberforce) on having added one to the numerous speeches he had made during the session, in which he commenced with professing economy, but ended with voting for prodigality. He did not attribute the speech and vote of the hon. gentleman to any but the purest motives, although he could not help observing, that they were quite irreconcileable. All who knew his hon. friend must know his sincerity; but he seemed too much caught by the speech of the hon. gentleman opposite respecting the number of letters, and pages of entries. These, however they might affect the clerks, &c. could have little to do with the responsibility of the secretary of state. His hon. friend appeared to make some mistake in his usual discrimination, between governing well and governing much. He seemed to attribute too much importance to the bustle of an office. The third secretary of state had assumed a new character; and it appeared that to many of the colonies he was King, Lords, and Commons, and was to legislate every thing for them. The habits of arbitrary government abroad furnished no very good school for those who were to return and hold office at home. The secretary of state might, perhaps, as well be eased of some of his labours in making proclamations. He wished the House would inquire into the expenses of the colonies. He thought they displayed too much prodigality, and that much might be saved in that quarter to the country. Let it not be imagined that England had no interest in these expenses, because they were borne by the colonies themselves. When they exceeded the means of the colonists, they were to be made up by the mother country, and sometimes to a great amount. He thought that the finance committee had been guilty of a great dereliction of duty in not investigating this particular office. He should certainly vote for the motion of his right hon. friend.

Mr. *Protheroe* said, he had opposed a motion similar to the present, when brought forward by the right hon. gentleman last year, and he did not think he should do his duty towards the colonies, if he did not give it his decided negative now. So far from concurring in the opinion, that it was necessary to abolish the office of third secretary of state, in consequence of the peace, he rather rejoiced that the cessation of war would allow the whole and undivided attention of the person filling that office, to be directed to colonial affairs. If the office of the third secretary of state were abolished, he was convinced that instead of proving beneficial to the affairs of the colonies, it would be highly prejudicial, and might ultimately lead to their total loss.

Lord *Binning* rose to say a few words in consequence of his understanding that the right hon. mover had imputed blame to the committee appointed last year, of which he (lord B.) was a member, for not having inquired into the necessity of continuing the third secretary of state. But he wished first to be sure whether he was right in understanding that the right hon. gentleman had imputed blame to that committee.

Mr. *Tierney* disclaimed having imputed blame to the committee.

Mr. *Ponsonby* said, that some arguments had been urged against the motion of a nature so extraordinary that he could not refrain from noticing them. One hon. gentleman had stated an argument, not indeed for the abolition of the third secretary of state, but an excellent argument for the appointment of a fourth secretary of state; for he had said that the affairs of the colonies required the undivided attention of one secretary of state. He would be glad to know, if this were the fact, what became of the affairs of the colonies while the war was carried on—when the attention of the secretary of state was divided between the war and the colonies? Another reason for opposing the motion given by another hon. member was, that the secretary for the colonies had taken upon himself to act as legislator for the colonies. This was rather an odd reason; certainly it was a novel one. Another reason was, that the noble lord who now held the office in question, did last year write a most conciliatory letter to the House of Assembly of one of the colonies. That was certainly a most extraordinary act of condescension in a legislator, and exhibited great moderation of temper, great humility of mind, and great benevolence of nature. But, for his own part, he was inclined to think that the conciliatory effects alluded to proceeded not from the letter of the noble lord, but from the good sense of that House when it had under its consideration the disturbances in Barbadoes. It was not, however, to the character of any individual that the colonies should look; it was not from any individual they expected conciliation, but from the good sense of that House; it was not from the pleasure of a secretary they would receive laws, but from the wisdom of parliament; it was not to proclamations, and other documents of that nature, they were to attend, but to their own assemblies. Another hon. member seemed to imagine that the House ought to agree in permitting the office to remain, because he had a firm conviction in his mind that it was necessary to have a separate and distinct office for our colonies. No doubt that hon member's conviction was sincere; but it would have been more satisfactory if the reasons upon which that conviction was founded had been stated. But neither cause nor reason was assigned by the hon. gentleman for opposing the motion of his right hon. friend, whom, nevertheless, he had so highly complimented for bringing forward the question, whom he loaded with thanks, and to whom, in short he would give any thing but his vote. And then, at the same time, that hon. gentleman dealt rather hardly with some of the members on the other side of the House. He said the person to whom our colonial affairs were entrusted should be an individual of the highest consideration. No doubt. And to whom did his right hon. friend propose that the duties of the third secretary should be transferred, in the event of its abolition? To the secretary of state for the home department, to the president of the board of control, or to the chancellor of the duchy of Lancaster. It was not for him to dictate to the hon. member the course he should pursue; but he thought he ought to have said, when speaking of the necessity of having a person of the highest consideration, that he meant nothing derogatory to the nature or abilities of those individuals; that he did not mean to insinuate, they were unfit to direct our colonial affairs. What would the noble secretary of state for the home department, the president of the board of control, or the chancellor of the duchy of Lancaster, think of this opinion of their merits? He was sure, for their consolation, that notwithstanding the opinion of the hon. gentleman, the colonists would consider them sufficiently qualified to transact the business of that department. —There was only one solid reason that could be urged against the present motion, and that was, that the departments among which the business of the colonies was proposed to be divided, were already overworked with their own separate concerns. But none of these persons themselves stepped forward to make such a declaration, because they knew full well, that the truth of the case would not bear them out in the assertion. The absence of this declaration was the strongest reason why they should vote for the present motion. What was the motion? Did it invite the House at once to abolish the office? All his right hon. friend wanted was, that they should go into an inquiry, to see if 12,000*l.* a year could not be saved to the country. This was only met by a general assertion, that the inquiry was unnecessary, because the office was a fit one to be continued. Then, let the fact of its fitness be decided in the committee. If it should there appear to be an office that ought to be abolished, the House would perform its duty to the country, by ordering it to be abolished; if, on the contrary, the office were really a proper one, then they would acquit themselves of all imputations by ascertaining that fact by a fair inquiry.

Mr. *Bathurst* said, that the question for the House to decide upon was, whether the administration of the affairs of the colonies could be combined with such important objects as those which engaged the attention and occupied the whole time of the other secretaries of state. When the duties of each of the offices to which the business of the colonial department was proposed to be referred were considered, it would be allowed, that such a combination was impracticable. The fact was, that the duties of the office in question, could be executed only by a single individual; an individual of address and attention; who should take a particular interest in that province, and attend to its duties with undivided assiduity. All expressed themselves satisfied with the manner in which the present secretary discharged the duties of his office. This was gratifying to him; but the question was, whether it could be administered together with any other office. He put it to the serious consideration of gentlemen, whether the duties of such an office could be well performed in conjunction with any other office. His majesty's ministers were animated with the strongest desire to alleviate the distresses of the country. He would challenge any gentleman to point out one instance in which they had not attended to retrenchment, and promoted economy to the utmost of their power. Gentlemen who had had opportunities of thoroughly knowing the nature of the duties to be performed in the department in question, did not think the existence of it unnecessary. The occupation of mind it called for at present rendered it of the greatest importance. In a different state of the country it might perhaps be dispensed with. When all the effects and consequences of the war were at an end, it might perhaps be abolished without injury to the public service; but while the country was in its present state it was indispensable. A noble lord complained that the inquiry proposed by the motion now before the House had not been made by the committee of finance, but the truth was, that this office was not within the scope of that committee. The information which that committee would have required could be given by none but the secretary of state himself; and therefore the inquiry was wholly beyond that which the committee was directed to make.

The House divided:

For the motion 87
Against it 190
Majority 103

List of the Minority.

Anson, sir George
Atherley, Arthur
Aubrey, sir John
Bankes, Henry
Bastard, E. P.
Burroughs, sir W.
Barham, Jos.
Baring, sir Thos.
Barnett, James
Bennet, hon. H. G.
Birch, Jos.
Brand, hon. T.
Brougham, Henry
Campbell, gen. D.
Calvert, Charles
Carter, John
Coke, T. W.
Carew, R. S.
Duncannon, visc.
Ebrington, visc.
Elliot, rt. hon. W.
Fazakerly, N.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzroy, lord John
Grattan, rt. hon. H.
Grenfell, Pascoe
Grant, J. P.
Gordon, R.
Hamilton, lord A.
Harcourt, John
Heron, sir R.
Howorth, H.
Knox, Thos.
Lamb, hon. W.
Lambton, John G.
Latouche, R. jun.
Lewis, T. F.
Lyttelton, hon. W.
Marryat, J.
Macdonald, J.
Mackintosh, sir J.
Martin, John
Mathew, gen.
Milton, visc.
Monck, sir C.
Moore, Peter
Mosely, sir O.
Morland, S. B.
Newman, R. W.
Neville, hon. R.
Newport, sir John
North, Dudley
Nugent, lord
Ord, Wm.
Osborne, lord F.
Ossulston, lord
Pierse, Henry
Power, Richard
Ponsonby, rt. hon. G.
Powlett, hon. W.
Prittie, hon. F. A.
Proby, hon. capt.
Phillimore, Dr.
Pym, F.
Ramsden, J. C.
Russell, lord G. W.
Scudamore, R.
Sefton, lord
Sharp, R.
Shelley, sir J.
Savile, Albany
Smith, J.
Smith, S.
Smith, A.
Smith, Wm.
Smyth, J. H.
Spencer, lord R.
Tavistock, marq. of
Tierney, rt. hon. G.
Teed, John
Walpole, gen.
Waldegrave, hon. W.
Warre, J. A.
Wilder, gen.
Wilkins, Walter
Wynn, C. W.
Williams, Owen

TELLERS.

Calcraft, John
Ridley, sir M. W.

PAIRED OFF.

Barnard, visc.
Cavendish, lord G.
Cavendish, hon. H.
Cavendish, hon. C.
Curwen, J. C.
Douglas, F. S.
Foley, hon. A.
Foley, Thos.
Folkestone, visc.
Guise, sir W.
Hill, lord A.
Lefevre, C. Shaw
Lloyd, J. M.
Molyneux, H.
Parnell, sir H.
Philips, George
Ponsonby, hon. T. C.
Russell, R. G.
Western, C. C.

ACADEMICAL SOCIETY.] Sir *M. W. Ridley* said, that after the conversation that took place last night, on the Petition of the members of the Academical Society, it was not his intention at present to press the particular motion of which he had given notice for that evening. He still, however, wished to state, that it was not unlikely that on a future occasion, he should feel it his duty to revert to that subject. The House would hear with regret, that the decision so lately referred to, was not a solitary instance of magisterial misinterpretation of the late act of parliament, even in the city of London. Another most respectable institution of very long standing in the metropolis, called the City Philosophical Society, had also received a refusal to their application for a licence. This society was established in the year 1808, for the discussion of questions of natural philosophy; and he was fully confident, that were the House in possession of the regulations of that society, they were such as it could not disapprove. On the 14th of April last, in conformity with the enactments of the act, they applied to the magistrates of the city of London for a licence. The House must be astonished to hear that this application was refused, not indeed on the exact grounds on which a similar denial was given to the Academical Institution, but on the principle, that it was necessary to be made acquainted with the names of every one of its members, and to be in possession of the list of questions submitted to their discussion. The House would hear with still greater surprise, that the recorder of London was consulted at this meeting of magistrates, and had concurred in the propriety of the refusal on such grounds. Here, then, was a second instance of what, unwilling as he was to impute any harsh or unfair motive to these magistrates, he must call a second flagrant mistake in their construction of the statute. If such, therefore, were the mistakes of men exercising judicial duties in the metropolis, men who, from their station in life and general intercourse, must be presumed to be well-informed, and enabled to have the fullest information, what, he would ask, would be the misconceptions of magistrates in the country, respecting the operation of that law, deprived, as they were, of such advantages? Indeed, it was not left for the House to surmise on this point, as he had heard that a bench of country magistrates had already resisted the application of a Mineralogical Society, on the presumption that the investigation of such subjects led to blasphemy [A laugh!]. With such decisions before them, he could not help considering it highly expedient either that the ministers of the Crown should take the necessary steps to correct such mistakes, or that the legislature should lose no time in guarding its enactments from such flagrant and dangerous misinterpretation. Surely, if the noble secretary for the home department could find time to write a Circular to the whole magistracy of the land, when the object was to abridge the liberty of the subject, he might spare some little time from his other avocations to guard the remaining privileges of the people from being invaded by the misconceptions of that same magistracy. He concluded with moving, "That there be laid before the House the copy of the petition from the Academical Society in Chancery-lane, presented to the magistrates of London at the general quarter sessions held at the Old Bailey on the 18th of April last, with any order of sessions made thereon."

Mr. *Bathurst* had no objection to the motion, and would have abstained from any observation at present, had he not been called up by the allusion, which the hon. baronet had made to a noble relative at the head of the home department. It had been said, that the noble secretary might be better employed in writing letters to instruct the magistrates in the interpretation of the law, than in writing circulars to abridge the public liberty. The hon. baronet had here assumed two things which remained to be proved, and which he, when the proper opportunity offered, would show to be unfounded; namely, that the circular alluded to was contrary to law; and that the secretary of state was bound to instruct magistrates in the proper construction of the late act. Till the former of those points was proved, the noble secretary could not be accused of abridging the liberties of the subject. He had acted on the best advice, and what he had done would be found conformable to law and justice. With regard to the second point, he denied that it was the duty of the secretary of state to instruct the magistrates in the interpretation of acts of parliament. Such was the doctrine held by an hon. and learned gentleman last night, who had said that magistrates were to exercise their own discretion in applying and understanding the laws, unfettered by the instructions of a minister. With regard to the case of the Mineralogical Society, the construction of the act was so absurd, that any law, however easily understood, might be perverted to any purpose by persons who could so far transgress the common rules of interpretation, as had been done in this case.

Mr. *Brougham.*—The right hon. gentleman has correctly represented the observation which fell from me on a former occasion. I then asserted what I now repeat, that the minister of the Crown has no right to interfere with the magistracy in the exercise of their judicial duties. But the right hon. gentleman reprehends my hon. friend, on the presumption that he attached blame to the noble lord at the head of the home department, in not issuing his instructions to the magistracy respecting the construction they should put on the law of the land. My hon. friend intimated no such opinion. He merely expressed his conviction, that it would be as well if the noble secretary had taken the same trouble to guard the rights of the people from invasion, as he took in writing circulars, when the object of such communications went to the abridgment of their liberties. It is not now the proper period to discuss the merits of that circular. It cannot be denied that, whether legal or illegal, its object is to abridge the liberty of the subject. What the strict law is, it is not necessary that I should in this stage give an opinion; but this I contend, that in point of fact, the practice, as recommended in that Circular, was different from previous usage. There might be found an isolated precedent or two, perhaps, but almost the uniform practice was different. The true question for the House to consider was, not whether that circular was compatible with the law and the practice, but whether the secretary of state for the home department, had a right to assume the province of expounding the law, of dictating to the magistracy of the country in the exercise of their judicial functions. And on what authority is this power assumed? Is it by an exposition of the law of the land, or by a declaratory act of the legislature—the only expounders that the constitution recognises? No—this extraordinary interference is assumed on the paid, legal, professional opinion of two hired servants of the Crown, on which alone the secretary of state, also the paid servant of the Crown, dictates to the judicial authorities of the country. I rejoice to think that this proceeding will ere long be brought more fully before the consideration of parliament. When the time of discussion shall arrive, I am convinced it will be shown, that lord Sidmouth has been guilty of one of the most unconstitutional acts that a secretary of state has ever committed in the exercise, or rather in the breach of his duty. I trust also, that the exposure so promptly made of those unwarrantable decisions of the magistrates, will have the effect of preventing a repetition of such disgraceful scenes. It is, in truth, high time that they should be repressed, as already, and mainly attributable to that Circular, could be discovered indications of a very reprehensible alacrity in the perversion of their powers,—not indeed limited to the Bench, but to be traced also to their subordinate agents. I allude more particularly to the conduct of the town clerk of Liverpool, in a very recent instance, where a spirit had manifested itself that has excited, in every enlightened mind in the country, feelings of indignation and alarm.

Mr. Alderman *Atkins* felt it right to explain the particulars of the circumstance which took place before the London Sessions. An application had been made on the part of a society, who stated the subjects of their discussion to be of a quadruple nature, viz. philosophical, literary, historical, and political. This application was made at an hour when the judges had just retired, and some of the city magistrates were on the bench, while preparations were making for arraigning some of the London prisoners. In this interval, the application was made, and a casual objection started which might have been easily settled, if the gentlemen, deputed to make the application, had thought proper to comply with the desire of some of the magistrates, who simply wanted a definition of the historical and political subjects they meant to discuss. He was satisfied that the magistrates who were at the time on the Bench, acted to the best of their judgment, and meant any thing but a capricious rejection. They were men who would never swerve from the principles of strict justice, and the rejection on that occasion by no means excluded the applicants from their regular form of seeking a licence at the quarter sessions. The worthy baronet was under a mistake when he asserted that the Recorder concurred, as he was not present at the time of the deliberation.

The motion was agreed to.

HOUSE OF LORDS.

Wednesday, April 30.

Lord Sidmouth's Circular Letter.] Earl *Grey* adverted to the opinions of the law officers of the Crown, referred to in lord Sidmouth's Circular, and observed, that what was there stated rendered it still more necessary that the case referred to them should be laid before the House. It related to a question of the greatest importance, involving, as he conceived, a departure from the practice of the constitution, and a violation of the law of the land. He should, therefore, move on Tuesday for the case referred to the law officers, and should then make observations upon the whole question. In the Opinion of the law officers he observed a reference made to an opinion of a learned predecessor of theirs, respecting the case of Thomas Spence and Alexander Hogg, in 1801. He thought it of great importance that every information respecting this question should be before the House; and therefore, if there was no objection, he would now move for that opinion.

The Earl of *Liverpool* thought that there was no opinion respecting the cases referred to of Thomas Spence and Alexander Hogg to be found amongst the papers of the office; but that instead of being an opinion given, it was an opinion acted upon.

The *Lord Chancellor* said, the cases referred to of Spence and Hogg must have occurred when he had ceased to be attorney-general, as he had no recollection of it. He thought, however, that the opinion referred to was not one given, but one acted upon, and that Spence and Hogg were held to bail either by justices of the peace or judges of the King's-bench, he could not recollect which. He would, however, inquire and obtain the requisite information, if the noble lord would postpone his motion.

Earl *Grey* agreed to postpone his motion, in consequence of what had been so candidly stated by the noble and learned lord. He could not discover what authority there was previous to the Circular, for persons being held to bail in the cases alluded to, by justices of peace, and it was of the greatest importance to ascertain it.

HOUSE OF COMMONS.

Wednesday, April 30.

Clergy Residence Bill.] Mr. *Manners Sutton* said, that it was perhaps unnecessary for him to apologize to the House for prefacing the motion which he was about to submit to its attention with a few introductory observations. His object was, to move for leave to bring in a bill to amend and consolidate the different acts for regulating the residence of the clergy. In the first place, he begged leave shortly to state what the course hitherto pursued by parliament had been toward the accomplishment of that end, namely, the enforcement of residence on the benefices held by spiritual persons. The act of Henry 8th whatever had been its merits originally, or its ultimate practical inconvenience, remained in full force till the 43d of the present king. This act, which was then substituted for the former statute, was prepared by his right hon. and learned friend, the member for the university of Oxford (Sir W. Scott) and gave certain powers to common informers, which had been perverted a few years ago into an instrument of grievous injustice and oppression. To such an extent had the system of persecution been carried, that parliament felt itself bound to interfere by the extraordinary step of enacting, that all the existing prosecutions under the statute should be suspended, and the temporary act of the 54th of the king was passed. The clause by which it was made temporary, was not founded upon the consideration that the evil also was of a temporary nature, but for the purpose of affording a future opportunity of bringing the whole subject in the form of some general and digested measure, before the attention of the House. This was expedient, both for the defence of the clergy, and for the due performance of their duties to the public. The act of the 54th of the king was on the eve of expiring, the consequence of which would be the revival, in all its parts, of the act of the 43d, and the exposure of the clergy to all those hardships and inconveniences from which it had been judged necessary to relieve them on a former occasion by a very unusual proceeding. Assuming, therefore, that it was not proper to leave the law in its present state, or to throw the beneficed clergy headlong into the grasp of common informers, he apprehended that it was still advisable to recur to the general principle and leading provisions of the 43d of the king. Many of its enactments were excellent, and the country at large was under the highest obligations to his right hon. and learned friend for the success with which he had executed a stupendous undertaking. The measure which he was proposing to introduce fell very far short indeed of the labour employed in the preparation of that act, which was the production of deep research, and of distinguished talents. Its author had undoubtedly been assisted in the execution of the task, by possessing the entire confidence of that House, of the clergy, and of the public; and thirteen years experience of its beneficial effects had shown that this confidence had not been misplaced. All the real inconvenience had arisen, not out of the act itself, but out of an extravagant abuse of the powers vested by it for a necessary purpose in the common informer. He considered that, by checking the liability to the repetition of that abuse, he should be furthering the end of the act itself, and carrying into effect the intentions of the legislature.

If he could flatter himself that he had now laid a foundation for the adoption of some new proceeding, it appeared to him that there were in this view but two courses to be pursued—either to revise the temporary act of the 54th of the king, or to pass the bill which it was his desire to introduce. The first was open to all the objections that applied to temporary laws; and if, upon the general principle, such a system was deemed vicious, it was calculated in this instance to produce particular disadvantages. It left the minds of the great body of the clergy, who were men of retired habits, and living at a distance from the capital, in an unsettled understanding of the existing law, and under constant apprehensions that every session of parliament would bring some new alteration. This change and uncertainty tended likewise to cast odium on their character, and create prejudices in the public mind, from the opinion that new laws were perpetually required to coerce the clergy, as if they were less zealous in the discharge of their duties, less correct in their habits, and, in one word, less professional than they were formerly. Although in his conscience he believed the fact to be directly the reverse, yet, when once this impression was received, it opened a wide door to slander, and led to a disposition in many to hold up some particular individual as a fair example of the whole body. He hoped, therefore, that this bill would at least be examined and discussed, before the House resolved again to have recourse to a temporary enactment; conceiving, as he did, that, if possible, such a measure ought to be avoided. The bill had been prepared in a quarter which must necessarily possess the respect and confidence of the clergy; he meant, that it had been framed by the bench of bishops, and he need hardly add, with that care and industry which might be expected from their stations, their responsibility, and as he should say from their peculiar fitness for the undertaking. It contained not any new code of laws, although its object was not confined simply to the enforcement of residence, but extended also so far to the regulation of curacies as to embody in one act all the statutary penalties effecting either the beneficed or the stipendiary clergy. The act of queen Anne for regulating the stipends of curates, had been amended by the 36th of the king, which had been since amended in all its parts by the act of the 53d. All the provisions of this latter statute were substantially introduced into his bill, for the convenience of bringing the two subjects together, and not for the purpose of legislating anew respecting them.

He hoped he had now said enough to show the general spirit of the combined measure he had in contemplation. Its great principle was, as far as possible, to promote residence. So long, however, as pluralities continued, and men were subject to sickness or infirmity, some exceptions must be allowed; and one of the regulations of the bill provided in such cases, that an absence thus occasioned, should be supplied by a licensed curate, with a remuneration adequate to the labours he performed, and the responsibility he incurred. There were also some additional regulations with regard to the occupation of farms by the clergy, the law of which had remained in its present inconvenient state since the revolution. Upon the whole, he trusted that, whilst the measure would effectually secure the clergy from oppression, it would, at the same time, provide for the just rights and interests of the public, and that it would appear especially, that whatever could tend to lower or degrade the character of the former had been studiously avoided. If he should obtain leave to bring in the bill, it was his intention to move that it be read a first and second time, for the purpose of then leaving the blanks open, and printing it for the use of members, till a day should be appointed for taking it into consideration. He believed there would be no objection to this proceeding, and should therefore now move, "That leave be given to bring in a bill to consolidate and amend the laws relating to spiritual persons holding of farms, and for enforcing the residence of spiritual persons on their benefices, and for the support and maintenance of stipendiary curates in England."

General *Thornton* signified his assent to the motion, but trusted that the laity were still to retain the power of interfering in the discipline of the church, whenever it should appear to be neglected.

Mr. *Babington* wished to know, as the subject was of great importance, what were the principal amendments of the existing law which the hon. and learned gentleman intended to submit.

Mr. *Manners Sutton* felt some difficulty in at once answering the question of the hon. gentleman, as the alterations were of a nature to be best understood when examined in the bill itself. With regard to the 53rd of the king, the clauses providing for the support of stipendiary curates were differently arranged, but the principle remained substantially the same.

Mr. *Brougham* did not desire that the hon. gentleman should go through all the clauses in detail; but if there were any prominent features of difference more substantial than the rest, it would be convenient if they were communicated to the House.

Mr. *Manners Sutton* replied, that the first part of the bill was only an alteration of the 43rd of the king, relative to spiritual persons holding farms; and the object of it was to allow a clergyman, under certain circumstances of convenience, to occupy 20 acres of ground in addition to his glebe. The next part related to the residence of the clergy. The hon. and learned gentleman knew that the 54th of the king remedied the 43rd of the king, by postponing the actions brought by common informers, leaving an interval in which the informalities against the act might be supplied. In order to give more facility to the due observance of the law on this subject, it was proposed to alter the ecclesiastical year, and to make it commence on the 1st of January and end on the 31st of December, the result of which would be, that all licences would expire on the same day of the month, and that all the clergy, and in particular all the bishops, would be aware of the exact period of their expiration. With respect to that part of the bill which related to the stipendiary curates bill, he was not aware of any prominent alteration. It was rather a dislocation and new arrangement of the clauses than any thing else.

Lord *Ebrington* characterized the measure as one of the greatest importance. The mere rumour of it had excited much apprehension throughout the country, lest it should contain clauses calculated to increase the power of the bishops at the expense of the parochial clergy. He strongly recommended deliberation. He wished to ask the hon. gentleman if there was to be any clause in the bill giving a bishop the power to appoint a curate in a case in which the beneficed clergyman resided, but in the bishop's opinion did not properly perform his duty.

Mr. *Manners Sutton* replied, that there was a clause to that effect. The only object of the clause was, to give greater facilities for carrying into effect that which was law already.

Leave was then given. Mr. Sutton subsequently brought in the bill, which was read a first time, and ordered to be read a second time on Friday se'nnight, and to be printed.

LEAD MINES BILL.] Lord *Lascelles* moved for leave to bring in a bill for rendering the Proprietors of Lead Mines ratable to the poor-rates, according to the profits derived by them from such mines. He was induced to undertake this measure from observing the numerous petitions, from certain parishes situated in mining districts, complaining of the increase of poor-rates, occasioned by miners out of employment being thrown on them, while the proprietors of the mines themselves could not be rated. He did not wish to throw any impediment in the way of mining adventures: his object was not to subject the occupiers of mines to any new burthen, but merely to charge the proprietors of mines on the profits derived by them from whatever source. In some parts of the county with which he was connected, it had been customary for a considerable time back to rate the proprietors of lead mines to the poor-rates; but the practice was not universal; and it was certain that lead mines were not included in the statute of Elizabeth. He wished the question to be now set at rest. He did not intend to include in his bill any other mines.

Lord *Milton* seconded the motion, and observed, that though this bill would establish a new law, it would not enact any new practice, as, for upwards of twenty years past, the proprietors of these mines had been rated towards the relief of the poor.

Mr. *Davies Gilbert* stated, that the practice had been the same in Cornwall as in Yorkshire. He was glad to understand that the noble lord had no other object than that which he had announced, as mistaken ideas were entertained in some parts of the country on the subject.

Mr. *Curwen* said that the proprietors ought to bear some part of the burthen of relieving the poor; and he trusted there would be no objection to the introduction of the bill.

Leave being given, the bill was brought in and read a first time.

HOUSE OF LORDS.

Thursday, May 1.

Academical Society.] Earl *Spencer* presented a Petition from the gentlemen composing the Academical Society in Chancery-lane, complaining of the inconvenience they had sustained by having recently been refused a licence under the Seditious Meetings act, at the sessions in the Old Bailey. He understood these gentlemen were highly respectable, though he had no personal knowledge of them. He proposed that the petition should be read, and he should then move that it do lie on the table. In confining himself to this motion he was actuated by two reasons; first, that he was not at present aware in what way the House could redress the grievance complained of; and, secondly, because he did not wish to take the subject out of the hands of any noble lord who might already have taken it up. The petitioners had done him the honour to place their petition in his hands, and it being worded in a most respectful and proper manner, he felt it his duty to present it.

The Earl of *Darnley*, though he agreed with his noble friend, as to its not being obvious what relief the House could give, still thought the question of so much importance that an act ought to be passed to amend the seditious meetings act, in order to prevent the possibility of its being so misconstrued; for if the magistrates of London, who were supposed to be more enlightened, made such a mistake, what was to be expected from country magistrates? It really seemed as if the effect would be to destroy all freedom of discussion whatever. In saying this, he did not mean to pledge himself to bring forward such a measure, but he thought, from what had been disclosed upon this subject, that parliament must unavoidably feel the necessity of passing a bill to the effect he had described.

The petition was read, and ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, May 1.

Wool Trade.] Mr. *Burrell* said, he held in his hand a Petition relating to a very important subject, viz, the laws which regulated the growth, trade, and manufacture of Wool. The petitioners, who consisted of a number of respectable wool growers in the neighbourhood of Brighthelmston, considered themselves much aggrieved that there should be so little restraint on the importation of foreign wool whilst the prohibitions on the export trade gave the manufacturer a monoply of all wool of British growth. He would remind the House, that the price of this article had lately fallen 50 per cent., or from 3*s.* to 1*s.* 6*d.* per pound; and yet he believed that few gentlemen perceived any alteration in their tailors bills. The petitioners remarked, that foreigners paid nothing towards the taxation of this country; and stated their readiness to produce evidence at the bar of the House in support of their allegations.

Mr. *Western*, having a similar petition to present from Essex, wished to say a few words on the subject. In the last year, the House having recognized the situation of the agricultural interests of the country as one of great distress, appointed a special committee to investigate the causes, and to endeavour to discover a remedy. In that committee, the state of the wool trade ought to have been a subject of primary consideration. Of the necessity of some measure for the relief of the wool-growers, there was a general impression. Persecuted, on the one hand, by the laws, which inflicted a severe penalty on any attempt on their part to find a foreign market for their wool, and on the other hand, by the permission given to the wool of all Europe to be brought to this country, it was naturally to be expected that they should seek redress. They were, however, not permitted even to be heard before the committee, although the manufacturing interest was fully heard; and this refusal was founded on the assertion, that there was no ground for any inquiry into their case.

Lord *Lascelles* said, that at the appointment of the committee alluded to, it was found impossible to investigate the whole subject; and the consequence was, a resolution to limit the inquiry in the first instance to the state of the wool trade. The result, was that it appeared that wool had borne a sufficient price up to that period, and had not therefore affected the agricultural interest. The committee sat before Easter, so that there was ample time for hearing the evidence of the wool-growers, but not one attended to make any communication. With regard to the general question of policy, he must oppose the prayer of these petitions at all times, but he thought the distress of the manufacturing interests an unanswerable objection to it at the present period.

Mr. *D. Gilbert*, also having a petition to present on the subject, made a few observations on it, the tendency of which was generally in coincidence with the remarks of the noble lord, but at the same time recommending that some restriction should be laid on the importation of the coarser kinds of foreign wool. The wool growers wished, either for a tax on the importation of foreign wool, or a bounty on the exportation of their own wool, but would prefer the former.

Mr. *Frankland Lewis* complained of the limitation that the committee of last year imposed on their inquiries, and represented that the House owed it to the country and to its own character, to appoint a committee to go into a *bona fide* investigation of this important subject. If such an inquiry were commenced, it would be proved that the laws regulating our wool-trade were as absurd and anomalous as the laws regulating our general commerce.

Mr. *Curwen* urged the necessity of an inquiry, but admitted that it would lead to a very wide and important investigation, comprehending not merely our domestic interests but our foreign policy.

Mr. *Shiffner* observed, that all that the petitioners required was a fair remunerating price for their commodity, which would be given them by the imposition of a duty on the importation of foreign wool.

The petitions were read, and ordered to lie on the table.

ROMAN CATHOLIC CLAIMS.] Mr. *Grattan* held in his hand a Petition from the corporation of Dublin, which he regretted that most respectable body had not, by availing themselves of an ancient privilege which they claimed, presented to the House by their own officers, as it would have relieved him from what he felt to be a very unpleasant duty. It was the petition against the claims of the catholics. As he had the honour to be one of the representatives of the city of Dublin, he was, in that capacity, instructed to present it; but, at the same time, he must confess that he totally differed from the sentiments expressed in this petition by his worthy and honourable constituents—he differed from them totally and sincerely. But, as he did not think it his duty to pass any criticisms or observations on the petition of the city which he had the honour to represent, he would merely beg leave to lament that which he would not presume to condemn.

Ordered to lie on the table.

PETITIONS RELATING TO REFORM, &c.] Sir *F. Burdett* said, he held in his hand a Petition from the borough of St Ives, in Huntingdonshire, praying for a Reform in parliament. He should take this opportunity of remarking, with reference to the measure of relief brought forward by the chancellor of the exchequer, that he had never considered the distresses of the country, great as they were, to be of a permanent nature. He regarded them as arising out of the corruption of that House, and the insupportable load of taxation which an unnecessary war, supported by that corruption, had brought upon us. He entertained hopes from the tranquillity, and he might say the passive acquiescence with which the people had endured sufferings which might have provoked a different conduct, that parliament would see at length that their interests, and the interests of the country at large, were the same thing. Convinced as he was and as the petitioners appeared to be, that every political evil under which they laboured was in some way or other connected with the notorious corruptions of that House, he hoped they would persevere in firmly demanding their constitutional rights.

Ordered to lie on the table.

ADMINISTRATION OF JUSTICE IN WALES.] Mr. *Ponsonby* said, that in consequence of a number of communications received by him respecting the Administration of Justice in Wales, since he had given notice of a motion for excluding the Welch judges from a seat in the House of Commons, he had thought proper to alter his intention with regard to the nature of his motion. He had not spoken to one gentleman of Wales who did not disapprove of the mode in which justice was administered in that part of the empire. He would therefore move, "That a select committee be appointed to inquire into and report to the House their opinion touching the laws relating to the administration of justice in Wales."

Sir *W. W. Wynn* seconded the motion, and said, that the laws relative to the administration of justice in Wales required considerable revision.

Lord *Castlereagh* said, he would not oppose the motion; but he wished it to be understood, that in agreeing to it, he did not mean to throw any slur on those most respectable persons concerned in the administration of justice in Wales, which was certainly different from those which pervaded the other parts of the kingdom, and he therefore thought them a very fair subject for parliamentary inquiry.

Mr. *Ponsonby* disclaimed any intention of throwing a slur on the persons actually employed in the administration of the laws of that country.

The *Attorney-General* said, that if the question which was fixed for that night had been brought on, he should have thought it his duty to have explained some matters which related more particularly to himself in his judicial capacity. He was extremely anxious to have an opportunity, which indeed now presented itself, of speaking on that subject. He had scarcely left town, when he was informed that an hon. baronet had asked in that House, whether he and an hon. and learned friend had not postponed the circuit for a week or a fortnight, on account of special retainers which they had received to go to Launceston. He never heard any fact that gave him more utter astonishment. No human creature had ever suggested to him, even in a whisper, that any arrangement which had been made had occasioned any inconvenience; and there was in fact no foundation whatever for the assertion. It had been said that the judges left the business to be done by a clerk, which was nothing more than the usual practice whenever circumstances rendered it necessary. When he accepted the situation of chief justice of Chester, he found associated with him as honourable a person as ever lived (Mr. Burton), who had been the second judge for twenty-eight years; and he then took the resolution, that as long as he had that second judge for his associate, he would leave him to fix the time of the circuit. He now said, in the presence of some of the most respectable gentlemen of the profession, that he had never been on that circuit in the spring at an earlier day. If they proceeded to Chester sooner, they would have travelled on Good Friday, which was not thought proper, and therefore it was resolved that the 31st of the month should stand. The appointment of the circuit in this way gave him the opportunity of performing his duty at Launceston. He had at that moment the very envelope of the card sent down to him at Westminster-hall, which was written by the amanuensis of his learned friend (for it was very well known that he could not, from his infirmities, write himself), in which it was stated, that the appointment of the 31st of March would suit the convenience of public business. Acting on this information, which was the best he could resort to, he had fallen into a scheme which was represented to him to be as good as any other. His predecessors, in fixing the circuit, had always thought it necessary to consult the convenience of the Oxford circuit. From the moment he commenced the Chester circuit, the directions he gave were, that no special retainers should be received. He could not reply to calumnious attacks in newspapers, but he would defend himself in that House from the charge of having acted with any impropriety, or having sacrificed the public interest to private emolument. The cause at Launceston was tried on a Friday, and he was at Welchpool, the first assize-town, before it was usual to be there. It was not customary on the first day to do more than open the court, and then to adjourn to the next day. Both judges were there at the earliest hour that their attendance could be required. It was said that the judges had delayed the trial of the prisoners, which, if true, would be a serious charge; but the fact was, that on his appointment, he, for the first time, introduced the practice of trying the prisoners on the first day of the session, instead of the fourth, as had been usual before that time. The attorney-general on that circuit (Mr. Benyon) was the only person who could have uttered a complaint of any inconvenience from delay; but he could assure the House that that learned gentleman had never said a word on this subject. He was thankful for having had this opportunity of explaining his conduct, and was only anxious to show that he had not neglected the claims of public justice for the sake of private emolument.

Sir *M. W. Ridley* said, that it was with no view of calumniating the hon. and learned gentleman that he had put the question which had been alluded to. He had information on which he thought he could rely, that the sittings at Chester had been postponed, on account of other engagements of the hon. and learned gentleman; and although he was bound to give credit to all that had now been stated, yet he was not at all persuaded that the sittings at Chester had not commenced later than usual by nine days. The hon. and learned gentleman acknowledged, that of two plans which had been submitted to him, he had chosen that which gave him the opportunity of going to Launceston. It was not for him to determine any thing as to this, or whether it was usual for the attorney-general to take special retainers. He believed that he was correct in saying that the gentlemen of the bar had experienced great inconvenience from the arrangement made by the hon. and learned gentleman.

The *Attorney-General* declared, that he had never heard of any inconvenience to any body but the attorney-general for the circuit. When lord Ellenborough was attorney-general, he took special retainers to the last.

Mr. *Wynn* said, that he had been that circuit for seven years, and the chief justice had always thought himself at liberty to make very great deviations in fixing the time of the assize. In the present instance he did not think that any inconvenience had been occasioned by delay. He never remembered, however, that the associate opened the court. It was usual to appoint a barrister to do so, because it might be necessary to make a motion which could not be heard before the clerk. This was the only deviation which he recollected from what he believed to have been the constant custom. He concurred in the very humane regulation of the learned chief justice, of bringing prisoners to trial on the first day, instead of the fourth. With respect to the motion then before the House, he thought it extremely wise and proper, and gave it his entire assent.

Mr. *Abercrombie* said, he had received communications from gentlemen in the profession, who thought very differently from the hon. and learned gentleman. He understood, with reference to Easter, that the Chester assizes were twelve days later than usual, and according to the most favourable way of viewing the subject, two days later than usual. They felt that something different from the ordinary course had taken place on the present occasion.

Mr. *Macdonald* expressed a hope, that this would be the last time that the two offices of attorney-general and chief justice of Chester, would be vested in the same person. Very considerable inconvenience must always arise from this union, and he trusted the committee would direct their attention particularly to this subject.

The motion was then agreed to.

Usury Laws Repeal Bill.] Mr. Serjeant *Onslow*, in moving for leave to bring in a bill for Repealing the Laws that regulate the rate of Interest, did not propose to go into the subject at length, as it had been fully discussed on a former occasion;* but must remind the House, that these laws were not only attended with no good effects, but were productive of the most pernicious consequences; and though they had now existed for a great length of time, and derived some sanction from their antiquity, it was a most mistaken notion as to the views of the first framers, which had supported the sanction they enjoyed, and the prejudices which prolonged their existence. These laws had originated in a wish to open, not to limit, the rate of interest. Before their enactment it had been forbidden to take any interest at all on the loan of money. Every profit, even the smallest, derived from such a loan, was branded with the name of usury; and it was with a view not so much to limit the rate of interest, as to protect those who took any, that the laws in question were framed. He had last year proposed to press the measure of a repeal of these laws, but it had then been objected that the state of the funds was such, that it was improper to agitate the subject. He had not then felt the force of that argument for delay, but he had yielded to the authority of those by whom it was urged, and he was happy that he had done so; for since that time the public attention had been called to the subject, not only by Mr. Bentham's most able pamphlet, but by a periodical work (the Edinburgh Review) which usually advocated the soundest principles of political economy. By this time he trusted any doubts of the inexpediency of the measure which he had to propose were removed. He should, therefore, be brief in his remarks, and merely refer to what he had before said, namely that in their origin, the laws of which he now prayed the repeal, were founded on mistaken texts of scripture. The first law on this subject was enacted in the reign of Henry 8th, when it was declared that at ten per cent. it was lawfull to take interest. In the reign of Edward 6th this law was repealed, and it was again declared by the law unlawful to take any rate of interest whatever on money borrowed. Yet in that reign we are informed by a contemporary historian that the rate of interest was commonly 14 per cent., so impracticable was it to affect the rate of interest by legal enactments. It was perfectly clear, that the more restraints were laid on money transactions, the higher always was the amount of interest actually paid on loans; and the effect of these regulations had only been to oppress and ruin the sinking tradesman; who, but for them, might have saved his credit by obtaining a temporary assistance at the fair market rate of the commodity. He had been told, on a former occasion, that all this might be true, but that the repeal of these laws would have an ill effect on the contracts made for loans on the credit of the public funds, which being regulated by the legal rate of interest, the public at least was a gainer by borrowing money at that rate. The fact, however, was the very reverse of this; and the loans contracted for by the public were, in reality, never affected by the legal rate of interest, but regulated, like all other money transactions, by the relative state of demand and supply, the credit of the borrower, and the opportunities of the lender. It was true that, at the time that argument had been used, some circumstances then affecting the price of stocks gave it the appearance of having weight; but those stocks had now risen 10 per cent.; the rate of interest paid by government had lowered in just the same proportion as in every other quarter, and the argument could no longer have any force.—Other objections that had been urged were, the apprehension of detriment to the landed interest, and loss to those who had borrowed money on mortgage. It was proved, that the fluctuations which the rate of interest might experience, in consequence of the repeal of the usury laws, would induce the lenders of money on mortgage security, frequently and suddenly to call in their principal, and expose the borrower to the danger of a foreclosure, or to the expense and trouble of repeated conveyances and reconveyances: but that inconvenience had been felt, and was daily felt under the existing system to a much greater degree than it possibly could under any other. Nothing was more common than for a lender to call for a repayment of his principle at a time when the market rate of interest, being 6 or 7 per cent. it was impossible for the mortgager to prevent a foreclosure, except on the most ruinous terms: either he was driven to sell his land at a time of sudden depression, when half its value could not be obtained, or (as he was precluded by law from raising money on the usual security at 6 or 7 per cent. if that happened to be the market rate) he was compelled to borrow by granting annuities at the most exorbitant rate. The common mode of late years had been, to grant annuities for a term of ninety-nine years, determinable on three lives, at fifteen per cent.; or determinable on four lives, at fourteen per cent. He knew an instance of an hon. member, a most respectable man, who, being called on to repay money he had borrowed on mortgage for the improvement of his estate, could only meet the demand by borrowing at this ruinous rate. It was owing to this that estates had been sold for almost nothing in the very worst of times; for, though the courts sat their faces as much as possible against foreclosures, yet they could not be altogether prevented. It had farther been objected, that the repeal of these laws would be hurtful to the monied interest, who would be tempted to loss by lending their money at high rates to speculators and projectors. He left it to the good sense of the House to determine, whether so circumspect a body as monied men were in general, would be likely to lose much from a neglect to exact sufficient security on their loans. It was absurd to conceive them incapable of directing their own affairs, and unjust as well as impolitic to intermeddle. Adam Smith had said, with great truth, that they were always more likely to lend to the thrifty than to the improvident. Besides the word "projectors" was an unmeaning and idle word, conveying an indefinite interpretation, on an indefinite class of men. For himself, he deemed it impossible to draw any line, and say who were projectors and speculators; and certain it was, that the most successful schemes, as well as the ordinary progress of improvement, must, in the outset, have been no other than projects, and the production of projectors. He should merely add, for the present, that every part of the empire suffered from these laws; but if any part suffered more than another, it was Ireland. Ireland had a fertile soil, a great population, a favourable climate; it was deficient only in capital: it was the want of that which repressed the national energy, and prevented any increase in the stock of national happiness. He should only add, that in moving for leave to bring in the bill, he should not propose to fill up the blanks under a period of several years. The learned serjeant then moved, "That leave be given to bring in a bill for repealing the laws which prohibit the taking of interest for money, or limit the rate thereof."

---

* See Vol. 34, p. 723.

Sir *F. Flood* gave the motion his hearty concurrence, being convinced that the measure must be of essential advantage to the empire in general, but particularly to Ireland, which possessed such natural advantages, as, if properly cultivated by means of capital, would enable her to vie with any country in the world. He observed, that money ought to be permitted to regulate its own price, and in this opinion he was supported by the experience of time, as it would appear developed in the acts of the legislature. The first of these acts restrained the interest of money to 10 per cent; the next reduced it to 8, observing in its preamble, "that the high interest of money was injurious to agriculture;" the next statute lowered the interest of money to 7 per cent.; and that which followed brought it down to 6 per cent. The last statute on this subject was the 12th of Anne, chap. 15. This statute showed the necessity of abolishing a settled rate of interest. By that act the interest of money in this country was reduced to 5 per cent. Any person who read this statute would see, that it proclaimed the great benefits which had arisen from the repeated reduction of the rate of interest; and must admit, that a long and expensive war was alleged as a reason for still farther lowering it. If the usury laws were done away, the money-lender, instead of getting 14 or 15 per cent. by the annuity system, would be content with five or six. The repeal of those laws would be beneficial to this country, but still more so to Ireland, into which it would be the means of pouring money, and, consequently, of encouraging commerce, agriculture, and manufactures.

The *Chancellor of the Exchequer* said, that in the general principle of the measure proposed, he perfectly coincided. It was, however, to be recollected, that when a system of laws existed to which the community had been long accustomed, and on which private arrangements and legal transactions were founded, to repeal them, even if they should be erroneous in principle, was a matter of some difficulty and delicacy. He doubted whether as yet the public mind was prepared for the measure; but he acknowledged the state of public credit was such that the question might be agitated without inconvenience, and he had hopes it might lead to a successful issue. The difficulty in raising money on landed securities was now less than it had been, and the state of the money market was such, that great accommodation to the agricultural interest might be hoped for from the diffusion of capital through the country. He should reserve his judgment on the measure proposed till he saw the particular enactments of it, to which he should give his utmost attention.

Mr. *Lockhart* said, the learned serjeant seemed to be perfectly aware of the inconvenience to which persons would be exposed, to whom land had been mortgaged, if a lower rate of interest were introduced; but, to obviate this difficulty, he had very properly stated, that he would postpone the operation of the bill to a very distant period, that parties might be enabled to make every necessary arrangement. He thought the operation of the bill would fall heavily on the landed interest. The money market would be in a constant state of fluctuation. Perhaps not in a very great degree, but from five to six, or perhaps to seven per cent. Would not, therefore, those who had lent money on mortgage, be constantly changing their securities, in order to get a higher rate of interest; and could the landed interest of this country suffer this fluctuation? Could persons, whose property was subject to such enormous expenses, for conveyances, &c. bear still greater burthens?

Sir *J. Newport* said, that the fluctuations in the money-market, to which the learned gentleman alluded, were experienced at present, and the bill, he believed, would tend to lower them. What was the state of the law now? The legislature had enacted a statute, preventing a larger rate of interest than five per cent., from being taken by the lender of money. The effect of that law, in its operation, had been so ruinous, that the legislature itself had been obliged to depart from its provisions, by having recourse to the annuity system, which, in some degree, relieved the country from its effects. The legislature should certainly do one of two things—either have no fixed rate of interest, or, if they sanctioned one, they ought to enforce it. They had not done either. They had established a fixed rate of interest, and they had then departed from their own principle, by giving persons an opportunity of borrowing on annuity, by which, in effect, a very large interest was realised, and a great degree of obloquy was cast on the lender upon annuities. He begged the House to recollect that in those countries where no fixed rate of interest existed, money was borrowed at a lower rate than in those where a contrary system prevailed. He could instance, as a proof of this, Holland, Flanders, and, indeed, all countries where the principle of a fixed rate of interest was not sanctioned; and, if they travelled from Holland and Flanders to Russia and Great Britain, the effect of the system, in both cases, would bring the subject fairly under their view. In the two latter countries provisions restricting the rate of interest within a certain boundary, had been introduced, and in both they had been evaded. In Great Britain, the principle of leaving money to find its own level, was sanctioned by the annuity act; and he was convinced, that not only the borrower on mortgage, but borrowers of every class in society, would procure money at a much cheaper rate if the interest were left unfettered by law. There should be but two parties in transactions of that description—those who borrowed, and those who lent. The legislature ought not to interfere.

Mr. *H. Martin* expressed his approbation of the bill, which, he doubted not, would enable the public to borrow money at a lower, rather than at a higher rate of interest, than that now sanctioned by law.

Leave was given to bring in the bill.

HOUSE OF LORDS.

Friday, May 2.

LORD SIDMOUTH'S CIRCULAR LETTER.] The *Lord Chancellor* stated the result of his inquiries respecting the cases of Spence and Hogg, mentioned in the opinion of the law officers referred to in Lord Sidmouth's Circular Letter. With respect to the case of Spence, it appeared, that on the 13th of April, 1801, an information upon oath was sworn before Mr. Ford, then at Bow-street, by a person of the name of Searle, that he had printed for Thomas Spence a work intituled "The Restorer of Society to its Natural State," and for that work Mr. Ford held Spence to bail, to appear in the court of King's-bench on the first day of the ensuing term. On the first day of the term, the then attorney-general filed an information against Spence, who was called on his recognizance, and appeared. He was subsequently tried and convicted. With regard to the case of Hogg, it appeared that an information was sworn before the then lord mayor, by a person who had purchased at Hogg's shop the trials for adultery. The lord mayor held Alexander Hogg to bail, to appear in the court of King's-bench on the first day of the ensuing term, and the recognizance was drawn up by the then attorney-general. On the first day of the ensuing term, the late Mr. Perceval, having in the mean time become attorney-general, that gentleman filed an information against Hogg, who was called upon his recognizance, and appeared. Subsequently, upon Hogg's delivering up all the books charged against, the prosecution was dropped. There was no opinion given with respect to these cases in any other way than by the proceedings he had stated.

Earl *Grey* expressed his acknowledgments for the candid statement of the noble and learned lord, but observed, that it did not appear that in either of the cases the point had been disputed, or that there had been any question raised as to the legality of the proceeding. There was only the opinions of attorney-generals, but no decision of any court of law that could be recognized as an authority. He still considered, therefore, the Circular of the noble viscount as unconstitutional, in attempting to interfere with the administration of justice, and he feared it would lead to a practice productive of the greatest mischief to individuals. In this view, after taking considerable pains to inform himself upon the subject, and having been able to find no competent authority to sanction such a measure, he felt it his duty to bring it under the consideration of the House, and on Monday se'nnight he should move for the case referred to the law officers of the Crown, upon which their opinion had been given, and which was of great importance, with a view to form a proper estimate of that opinion.

HOUSE OF COMMONS.

Friday, May 2.

Breach of Privilege—The Rev. Thomas Thirlwall.] Mr. *Bennet* said, it was with great concern that he felt it to be his duty, as chairman of the committee appointed to inquire into the state of the police of the metropolis, to bring under the consideration of the House a Breach of Privilege contained in a book recently published, and which had been sent to the committee by the author purporting to be "A Vindication of the Magistrates acting in and for the Tower Division, from the Charges contained in a printed work, intituled, 'The Report of the Committee on the State of the Police of the Metropolis; together with the Minutes of Evidence taken before the Committee of the House of Commons.' By Thomas Thirlwall, M. A. Rector of Bowers Gifford, Essex, and magistrate for the counties of Middlesex and Essex." Without making any comment on the general tone of the work, which was by no means respectful towards the committee, he would only observe, that several passages were so extremely offensive to the feelings of the committee and so hostile to the privileges of the House, that it was thought fit to summon Mr. Thirlwall before them, to require some explanation of his conduct. When Mr. Thirlwall appeared before the committee, he avowed himself to be the author of the work in question.—But before he proceeded to state what had taken place on that occasion, he would request the clerk to read from the book the passages which were the subject of complaint.

The Clerk accordingly (after repeating the title of the work) read as follows:—

"I have inquired into the constitution of these committees of the House of Commons, and the mode of their proceedings, and I have no doubt others will be surprised as well as myself at the description. My impression was, that a committee is composed of a number of members who personally attend, that the evidence of every witness, and the whole entire evidence of each witness, are entered in the minutes, *literatim et verbatim*, and printed for the use of the House.

"My information, however, has taught me that my impression is most erroneous, and that this was not the mode at least pursued in the examination of witnesses, upon the charges against the magistrates of the Tower division. During the examination of several of the witnesses, the chairman only was present. Mr. Calvert is the only member I could learn who did assist him occasionally, particularly when the House of Hanbury was in question. This hon. member very much wished Mr. Fox, of Shadwell, to give his evidence, but the private explanation of that gentleman induced him not to insist upon it.

"A considerable part of the evidence given in was not entered on the Minutes, and a very material part that was offered was not accepted. I have not the smallest knowledge of the chairman, other than by his occasional speeches as an opposition member, by the name of captain Bennet, from which I infer, he has not dedicated much of his time to the profession of the law, and directed his studies to the nature of legal evidence.

"It is pretty well known my loyalty to my king and attachment to the constitution; and I had almost said enthusiastic admiration of its forms. I have contributed my part in the worst of times to its safety. I hope, therefore, that my observations will not be tortured into any intentional disrespect to the committee. I acknowledge its authority, and bow to its decisions. But when I make this declaration, it does not follow that I am bound against my conscience to admit either candour or impartiality in the proceedings, or that if the body of magistrates are to be tried, I should not prefer Mr. Beaumont bringing his charges before my lord Ellenborough, rather than before a committee of the House of Commons, with even captain Bennet in the chair. I am not partial to the committees in the time of Cromwell, nor to the committees in France in the time of the Revolution. I do not wish to be tried by committees. I protest against a trial by committees, inquisitions, or star-chambers."

Mr. *Bennet* proceeded to state, that when Mr. Thirlwall appeared before the committee, some explanation was required from him of the passages which had been read by the clerk. He would pass over that part of the explanation which related to himself personally, and confine himself to that which regarded the last paragraph which had been read by the clerk, beginning with "It is well known my loyalty to my king, and attachment to the constitution," and ending with "I protest against a trial by committees, inquisitions, or star-chambers." The committee observed to Mr. Thirlwall that this passage contained an innuendo strongly pointed against them, and proceeded to ask for explanation on the subject.—The hon. member proceeded to read the interrogations and replies, which were as follow:

"You are one of the Middlesex magistrates?—I am.

"Is this book, which the chairman holds in his hand, purporting to be, 'A Vindication of the Magistrates,' &c., your publication?—I am the author of the Vindication.

"The next sentence in the book the chairman wishes to pass over as concerning himself; the last is this, 'It is pretty well known, my loyalty to my king, and attachment to the constitution, and I had almost said enthusiastic admiration of its forms. I have contributed my part in the worst of times to its safety; I hope, therefore, that my observations will not be tortured into any intentional disrespect to the committee; I acknowledge its authority, and bow to its decisions. But when I make this declaration, it does not follow that I am bound against my conscience to admit either candour or impartiality in the proceedings, or that if the body of magistrates are to be tried, I should not prefer Mr. Beaumont bringing his charges before my lord Ellenborough, rather than before a committee of the House of Commons, with even captain Bennet in the chair. I am not partial to the committees in the time of Cromwell, nor to the committees in France in the time of the Revolution. I do not wish to be tried by committees; I protest against a trial by committees, inquisitions, or star-chambers.' The committee, considering that latter innuendo as being most clearly pointed against their proceedings, require from you an explanation of those observations: the first question they ask you is, before they require from you an explanation as to the latter innuendo; What grounds have you for accusing the committee of either want of candour or impartiality?—I deny that I have.

"You wish that answer to stand as it does?—I do.

"How, then, do you explain those words, 'But when I make this declaration,' meaning the declaration of respect towards the committee, 'it does not follow that I am bound, against my conscience, to admit either candour or impartiality in their proceedings?'—I beg it to be understood, in its plain and literal sense, that I am not bound. I have not refused the credit of candour or impartiality; I have merely stated that I, as an Englishman, and with the rights and privileges of an Englishman, and with all the lights and advantages which an education has given me, conceive, that as a general topic it is open to discussion like that of every other institution; the comparative merits of a committee of the House of Commons, and that of a trial by peers; and I have no hesitation in stating that I prefer the one to the other. I meant nothing disrespectful to the committee.

"The committee wish to ask of you, as a clergyman and a magistrate, when you wrote that sentence, whether you did not mean to insinuate that the committee was neither candid nor impartial?—I beg to object to any questions tending to criminate myself.

"The last question that the committee wish to propose, is, as to the innuendo in the conclusion of the sentence. Having stated your preference to a trial by jury, over what you are pleased to term a trial by a committee, you add, 'I am not partial to the committees in the time of Cromwell, nor to the committees in France in the time of the Revolution; I do not wish to be tried by committees; I protest against a trial by committees, inquisitions, or star-chambers.' What do you mean by that innuendo?—I mean what it states.

"You mean then to assimilate, what you are pleased to term a trial by a committee of the House of Commons, with proceedings in committees in the time of Cromwell, to committees in France at the time of the Revolution, to inquisitions, and star-chambers?—No; no such thing; I had no idea of the kind.

"What do you mean then by this last paragraph?—I mean it to fill up a period.

"The committee think it right to inform you, that this is likely to come before the House of Commons; and they wish seriously to ask you, whether you stand by the answer you have last given?—I do.

"Have you any thing else to add upon this subject?—No, I have not."

The committee endeavoured in this examination to induce the reverend gentleman to make such an explanation and apology as might render it unnecessary to submit the matter to the consideration of the House, but in vain. He must say also, that Mr. Thirlwall's manner and tone on the occasion were the very opposite of what might have been expected. That morning, however, he had tendered to the committee an explanation of the obnoxious passages, and of some of the replies in his examination. With respect to the insinuation, that the committee had neither candour nor impartiality, to the question on which he had answered that he objected to any question tending to criminate himself, he now expressed his contrition for the passage. With respect to his answer to the question relative to inquisitions or star-chambers, that he meant to fill up a period, he now corrected it, by stating, that it was a rhetorical figure of speech, and that he had no intention of instituting a comparison between the committee and the inquisition or the star-chamber. He added, that perceiving the publication had given offence to the committee, he had directed his publisher to stop the sale of it. Taking, however, the whole nature and circumstances of the transaction into their consideration, the committee deemed them to be of such importance as to require that they should be laid before the House. He wished to be entirely guided by the House with respect to the farther proceedings which it might be advisable to adopt on the subject, his only anxiety being that the privileges of parliament should not be compromised on the occasion. The first step, however, would be to require the attendance of Mr. Thirlwall in the House. As the reverend gentleman lived at some distance from town, and as he had his clerical duty to perform on Sunday, it might, perhaps, be inconvenient to him to attend on Monday. He would therefore move, "That the reverend Thomas Thirlwall do attend this House on Wednesday next."

Sir *Oswald Moseley* seconded the motion, and desired, as a member of the committee, to confirm the statement of the hon. chairman. As he was not on the committee when the book was published, he could not be supposed to be actuated by any personal feeling, when he described the publication as a gross libel; and if any thing could exceed the impropriety of it, it was the tone and manner that accompanied the explanation.

Mr. *Lockhart* observed, that the House would have ample opportunities of considering whether the work was a breach of privilege or not. He was totally unacquainted with the parties in the case; but he could not refrain from noticing the peculiarity of the proceedings in the committee. They were unusual, and he believed, without precedent. The committee had entered into the consideration of a breach of privilege. Now, he always thought that it was the duty of a committee of that House, or of an individual member of it, under such circumstances, to make an immediate complaint of the breach of privilege to the House, and to the House alone. He always understood that a committee of that House could never go beyond its instructions. The committee in question was instituted to inquire into the police of the metropolis, and not into the nature of any breach of privilege. Instead of complaining to the House of the breach of privilege committed with respect to them, they called a witness before them, and entered into an investigation of the breach of privilege themselves. They put questions to this witness, not tending to promote the inquiry which they had been appointed to pursue, but to draw from him a confession or a denial of his guilt. He apprehended that committees of that House were not entrusted with inquisitorial powers of that nature. To him it appeared that it would be extremely dangerous, indeed, if committees, instead of coming at once to the House, should enter on such investigations. He was not aware of any instance on record of such a proceeding. If it was contrary to the practice of parliament, it behoved the House to pause before they agreed to the motion. He wished also to ask, with what view the hon. gentleman had read the explanation which had been given by the witness of the obnoxious passages in the work? Did he intend to lay it on the table of the House or not? If he did, it came in the shape of evidence heard by a set of gentlemen in a committee, which had no right to enter into any such examination. He hoped that some hon. member, more experienced in the usages of parliament, would favour the House with his opinion on this, to say the least of it, doubtful point.

The *Speaker* said, he apprehended that the present was the time at which the House should pronounce, whether the passage in the work adverted to, was or was not a breach of privilege. If not, the author ought not to be called on to attend at the bar. From what had fallen from the hon. chairman of the committee, he did not collect that the committee had inquired into the actual guilt, in that respect of the author of the work. All that the committee had done, which was not unreasonable was, to ascertain before they complained to the House, whether the party advisedly persisted in the expressions that he had used, or whether he was disposed by explanation to do away that which, if unexplained, might be considered by the House a breach of privilege. As matters stood, therefore, it was for the House to determine, aye or no, whether there was a *prima facie* breach of privilege in the reflections which had been cast on the committee. If the House determined in the affirmative on that proposition, they would order the attendance of the party at the bar; if in the negative, they would proceed no further in the business.

Mr. *Calvert* observed, that he had very regularly attended his duty as a member of the police committee, and that it gave him great satisfaction to witness the attention and ability of the hon. chairman. It was not a fact that the chairman sometimes examined witnesses alone. The committee was in general very fully attended.

Mr. *Wrottesley* wished to ask if it would be improper to defer the motion before them until the alleged libel should be laid on the table, and printed for the consideration of the House?

The *Speaker* apprehended that a complaint of breach of privilege must in all cases be disposed of at once. Those who were conversant with parliamentary usages, knew that any publication (generally speaking) reflecting on the proceedings of the House, or of any of its committees, was a high breach of privilege. The only question for the House to determine was, whether or not the extract which had been read contained such a reflection.

The *Chancellor of the Exchequer* was of opinion, that the motion of the hon. chairman ought to be acceded to by the House. When the reverend gentleman should attend, it would be for the House to take into consideration any circumstances of extenuation which he might submit to them. In his opinion, all that the committee had done, was, not to extort from the party any improper declaration, but merely to afford him the opportunity of making such an explanation as might induce them to forbear their complaint to the House.

Mr. *Wynn* contended, that on the very face of the transaction the House had no discretion to exercise. With respect to any apology that might have been made by the individual in question, the House could take no cognizance of it, for it was not officially before them. It could not consider the explanation of the party either as an extenuation, or as an aggravation of his conduct, unless that part of the evidence were reported to them by the committee. There was but one course to pursue, namely to agree to the motion.

Mr. *Shaw Lefevre* bore testimony to the temperate, impartial, and judicious manner in which the proceedings of the committee had been conducted by the hon. chairman of it.

Mr. *Broderick* contended, that the committee, in the course which they pursued with respect to the subject in question, had not exceeded their authority.

The *Speaker* suggested to the hon. chairman of the committee, that after the present motion should be disposed of, it would be his duty to move, that there be laid before the House so much of the minutes of evidence as related to the explanation given in the committee. The House being in possession of that explanation, and hearing any thing further that the party might have to state at the bar, would then be enabled to come to an ulterior decision on the subject. At present the only question before them related to the attendance of the party.

The motion for the attendance of Mr. Thirlwall was then agreed to. It was then ordered, that there be laid before the House a copy of so much of the minutes taken before the committee as related to the matter complained of.

IRISH GRAND JURY PRESENTMENTS BILL.] Mr. *Cooper* said, that as there had not been any favourable opportunity of discussing the bill hitherto, owing to the absence of the Irish members, he had intended entering into the measure somewhat at large, previous to moving for the Speaker's leaving, the chair to go into a committee of the whole House upon the bill. In that committee it had been his intention to move, that they should fill up the blanks, and adopt such amendments as might have been suggested; to have proposed the reporting the bill in order to its being re-printed, with the further view of its being re-committed and discussed, when the measure would have been fairly, and fully before the House. However, in consequence of suggestions which had been made to him, by persons of whose judgment he had a higher opinion than of his own, he was now disposed to take another course. Before he mentioned what that course was, he would shortly advert (in consequence of a petition just presented against the bill from the county of Cork) to the situation of that county. Twenty-three gentlemen, or it might be twelve, in the midst of all the bustle and business of an assize, without any previous examination to guide them, take upon themselves to levy money, to an indefinite amount, for various purposes, the items of which were almost innumerable; he conscientiously thought that, with a view of doing justice, they might just as well put the presentments and applications into a hat, and draw out such number as they thought proper. As to the amount of the levies, to show their enormous increase, he stated that he held a document in his hand which showed, that in the four years from 1807 to 1810 inclusive, the levies amounted to something under 48,000*l.* per annum: whereas, in the four succeeding years, the average per annum was 70,500*l.*, being an increase of 22,500*l.* per annum; he also adverted to the enormous sums presented for stationary, and other matters; but besides all this, this great county (he might call it the Yorkshire of Ireland) was subject to an abominable inequality of assessment, county charges being levied by plough lands, and plough land varying from nearly 2,000 to 100 acres, and the same sum being levied on each; and yet this was the county in which so many enormous abuses existed, which petitioned against any alteration of the existing laws! As to the bill, it was suggested to him, that it would be better to withdraw it in order to its being divided, and to embody the new provisions suggested, so as not at present to repeal the existing laws: whatever he might think of it, to this proposition he was disposed to assent but he did not, nor would not; pledge himself to act upon it; on the contrary, he thought at present he saw insurmountable difficulties.

Mr. *Abercrombie* felt so deep an interest in the labours of the committee in question, of which he had been a member, that he could not behold a cessation of their labours in this manner without considerable pain. He could readily imagine that there must be a great difficulty in bringing in a bill, the object of which was no less than the repeal of the whole mass of the Irish grand jury laws. So far as related to the repeal of the particular and prominent parts of the laws in question, and then substituting others in their place, he could have no objection. This subject was really one of greater importance than could at first sight be supposed; those who only knew the state of the grand jury laws in England could form no opinion of their operation in Ireland.—In the latter country they were severe and oppressive; they affected the comforts, nay the morals of the people, and all who had at heart the interest of the inhabitants of that unfortunate country, must wish to see the present system altered without delay. He therefore heard with regret that the hon. member, whose labours in this work were so constant and exemplary, should feel himself in a situation of abandoning the matter at the present moment. It would be a great public calamity, indeed, if an impression went abroad, that after a committee had sat on the subject for nearly two sessions, they should find themselves without the means of suggesting some practical remedy for an admitted evil of this extensive nature. He did, however, hope and trust that the matter would not be permitted to rest here, that the principles of the report of the committee would be acted upon, and that the united parliament would give a pledge to the people of Ireland of their determination to proceed at once to remedy a notorious abuse in the existing laws of the country. He should repeat his entreaty, that they would now give such a pledge to the country.

Mr. *Prittie* regretted that the bill was given up by the hon. gentleman. He feared that if it were withdrawn, the House would never see so perfect a one again.

Mr. *Ponsonby* said, that he never listened to any proposition with more pain than he did to that just made by the hon. member, because he was sure that much good could be made out of the bill: it might be rendered very useful to Ireland, where they all admitted the evil was sore and pressing, and such as imperatively demanded a remedy. If the hon. member thus abandoned the bill, he could not foresee that any other member was likely to take it up with the same spirit and effect. The hon. member had laboured sedulously and honestly: he stood quite clear of any imputation of having a private object, or a job in view; his intention was evidently to relieve the people of Ireland from the oppression under which they groaned, by the abominable corruption that was practised under the grand jury laws in that country. The hon. member must indeed feel mortified, after producing as perfect a bill as the nature of the case would at first admit of, to be thus compelled to abandon it. He hoped, however, that something would be done to get rid of this tissue of peculation and oppression.

Mr. *Peel* admitted, that a deep evil would indeed arise if the abandonment of the present measure were to imply a want of intention to remedy the evils complained of—evils, that he was ready to declare had existence, and ought to be remedied. He cordially concurred in the wish that his hon. friend would give a pledge to the House of bringing the subject again before parliament in the course of the present session. On the whole, however, he could not regret the abandonment of the bill which had been introduced, for he much questioned the policy of repealing the fabric of the laws, until a sure and effective substitute was first provided in their place. It was most impolitic to commence the reform by abrogating the existing system. It would, in his opinion, be a far better course to point out the distinct evils where they stood in the frame of the laws, and at once apply specific and distinct remedies for them. It had been on a former occasion said, that the blanks of the bill ought to be filled up; where was the necessity for taking that course, if the general opinion was against the expediency of a general repeal? The most convenient and most effective course was that pursued by his hon. friend, who could in a fresh bill embody the practical points of the present one, and apply them to the specific evils, the existence of which was admitted by all. He hoped his hon. friend would now pledge himself to pursue this course during the present session.

Mr. *Courtenay* felt that there was an absolute necessity to make a general and complete alteration in these laws, nor could he see any difficulty in pursuing the course which his hon. friend was now about to abandon. It was quite clear that a more minute examination of the presentment accounts was necessary, and that a string of clauses should be provided for that purpose. This of itself would be a great alteration in the present system, and when the subject came fully before them in one general shape, they could better say what parts should be suffered to remain, and what should be abrogated. This would be a better course than to take the thing in parts, and perhaps bring the ameliorating laws in direct collision with each other.

Mr. *Leslie Foster* agreed that the Irish grand jury laws required substantial reformation, and was glad to see that the only prevailing difference of opinion was, as to the mode of effecting the object. In this view he thought the abandonment of the measure salutary, as it would enable the hon. member to bring in a more practical and specific measure during the present session. He would briefly call the attention of the House to what had been already done on this subject. The whole of the Irish grand jury laws had been early last year referred to a select committee, who embodied in their resolutions upon them six or eight distinct propositions. The hon. gentleman to whom the preparation of the bill was consigned, unfortunately embraced a wider scope of action than he was strictly authorized to do by the committee. His bill might be divided into three parts; 1st, the introduction of the new matter to be adopted; 2dly, the mode of re-enacting the new laws, and the explanatory qualifications that were to accompany them; and 3dly, the fresh unauthorized matter which he himself introduced. These laws were passed in the 36th of the king; they were extremely complex and voluminous, having more than 100 sections, and a still greater number of regulations. The terms of these sections and regulations, were not followed by the hon. gentleman; he extended them, and, in fact, had introduced a sort of framing that would give rise to endless questions among judges and jurors.

Sir *John Newport* said, that if the withdrawal of the bill implied the abandonment of a desire to seek a remedy, then, indeed would the people of Ireland have to endure the infliction of the greatest possible evil; for unless the present system were rooted out with a strong hand, and every idea of temporising banished, the system of grand juries must fall to the ground; and so it ought, if it only lived to inflict oppression. The evil in this case fell on the poor peasantry, who were the occupiers of the land; the proprietors felt very little of the evil; in this respect they materially differed from the landed proprietors in this country, whose leases were given for so short a duration of time. He doubted much whether any thing short of a total repeal would answer. Were the case that of a new set of laws, in which all the parts acted together, there would be little difficulty in the case; but here there was a great deal which could not be separated or got at by any thing short of a total repeal. He was, however, so desirous of getting the House with unanimity to bring forward some measure to remedy this evil, that he would forego his own opinion, and be contented if the following leading points were attended to in the new regulations; first, a special care that the public purse was fairly and honestly made out; secondly, that it was fairly accounted for in the expenditure; and thirdly, that the money was vested in hands perfectly secure. The want of the last was bitterly felt in Ireland. Since the discussion of last summer no less than three treasurers had become bankrupts, and new levies were made on the unfortunate peasantry to repair the deficiencies thus occasioned, because government had not provided sufficient guards for the public purse. So long as these treasurers were likely to have the use of the public money their creditors never touched them; but the moment it was suspected that parliament would interfere in the matter, then their creditors became clamorous, and in the end made them bankrupts. The levies were made on the public soon after the cess, and then the treasurers made what use they pleased of the money until the ensuing assizes; every sort of jobbing and trafficking was then carried on, to the ultimate injury of the community.

Mr. *Vesey Fitzgerald* approved of Mr. Cooper's course. A new proposition would, he trusted, soon be made, which would disentangle the consideration from the mass of matter in which it would be mixed if the present course were still farther pursued. All concurred in the necessity of an essential reform; many, however, differed, not only as to the points of reformation, but also as to the remedy proposed. He hoped his hon. friend would still keep the subject alive, and introduce it in such a manner as would be most likely to effect the object which all had in view. It could not be in better hands.

Sir *F. Flood* said, that as the present bill was about to be abandoned, it would be unnecessary for him to enter into the merits or demerits of a folio volume of such complex and multifarious matter. He had instructions from the grand jury of his county to watch the bill, and he had done so. They thought that the bill would not effect its professed object; at the same time they admitted, that the laws ought to be amended; they were ready, and so was he, to go hand in hand for that purpose. There was one thing in the new bill, against which he would protest; he meant, the creation of 13 or 14 new offices. When the people far and near called for retrenchment, this would be a serious consideration in a country already too much oppressed. The bill went four times beyond the instructions of the committee.

Mr. *Cooper* assured the worthy baronet, that there were only two offices created by the bill—the one a surveyor, and the other a chief constable. He thanked the House for the manner in which his exertions in this business had been mentioned; he would return to the subject most certainly, but he could not at the moment pledge himself to a specific course of proceeding.

The committal of the bill was then put off for six months.

HOUSE OF COMMONS.

Monday, May 5.

LONDON TITHES BILL.] Sir *W. Curtis*

moved the order of the day for the second reading of this bill. It originated, he said, with the corporation of London, and its object was, to relieve the inhabitants of certain parishes in London which were not destroyed by the great fire in 1666, from the oppressive proceedings complained of in some of them, as having been experienced of late years, under the act of Henry the eighth, relative to tithes in London. If two shillings and ninepence in the pound on the rack rent, which it was pretended the incumbents had a right to claim, were collected, an enormous sum would thus be raised; the consequent pressure on the inhabitants must be great, and the evil, he thought it must be felt, was one which loudly called for some redress. While he contended, that if this principle were acted upon, a greater burthen would fall upon the inhabitants than they ought to bear, he was ready to admit that at present some of the clergy received less than they ought to receive. It was the wish of the corporation of London that the question should be fairly met, and equitably set at rest. They wished the pastors of the church to be adequately provided for, and proposed to effect this by settling on them specific annual stipends, given on the most liberal principles, in lieu of tithes, to be raised by rates, in the manner adopted in the time of Charles 2d, in respect to the parishes destroyed by the great fire. Such being the views of those with whom this bill originated, he hoped it would not meet with opposition, and that the union of all the parishes interested in the measure would secure the clergy a comfortable provision, while the people were not overburthened.

Dr. *Phillimore* addressed the House for the first time. He objected to the bill, as being repugnant to every principle of sound policy and justice. It might be material, he said, to recall to the recollection of the House, that, in the 32nd of Henry 8th an act was passed, intituled "An Act for Tithes for London," the preamble of which expressly stated, that it was, "for appeasing the contentions, strifes, and variances, which had risen and grown within the city of London, and the liberties of the same, between the parsons, vicars, and curates of the said city, and the citizens and inhabitants of the same, for and concerning the payment of tithes, oblations, and other duties, within the said city and liberties." The act then stated, that as well the said parsons, vicars, and curates, as the said citizens and inhabitants, had compromised, and put themselves to stand to such order and decree, touching the premises, as should be made by the archbishop of Canterbury, the lord chancellor of England, the lord treasurer, the lord president of the council, the chief justice of England, the chief justice of the common bench, the chief baron of the exchequer, and the other persons therein named, "for a final end and conclusion to be had and made touching the premises for ever." And to the intent to have a full peace and perfect end between the said parties, their heirs and successors, touching the said tithes, oblations, and other duties for ever, it was enacted, "That such end, order, and direction, as should be made, decreed, and concluded by the aforenamed archbishop, lords, and knights, or any six of them, before the first day of March then next ensuing, of, for, and concerning the payments of the tithes, oblations, and other duties within the said city, and the liberties of the same, and enrolled in the king's high court of chancery of record, shall stand, remain, and be as an act of parliament, and should bind as well all citizens and inhabitants of the said city and liberties, for the time being, as the said parsons, vicars, curates, and their successors for ever, according to the effect, purport, and intent of the said order and decree so to be made and enrolled." In pursuance of this act, a decree was made on the 24th of February, 1545, that the citizens and inhabitants of London, and liberties of the same, for the time being, should yearly, without fraud or covin, for ever, pay their tithes to the parsons, vicars, and curates of the said city, and their successors for the time being, after the rate following:—Of every 10*s.* rent by the year, of all and every house and houses, shops, warehouses, cellars, stables, and every of them, within the said city and liberties of the same, 16½*d.*: and of every 20*s.* rent by the year. 2*s.* 9*d.*, and so above the rent of 20*s.* by the year, ascending from 10*s.* to 10*s.* according to the rate aforesaid. And it was also decreed (among other matters,) that if any variance, controversy, or strife, should thereafter arise in the said city for non-payment of any tithes; or if any variance or doubt arose upon the true knowledge or division of any rent or tithes, within the liberties of the said city, or of any extent or assessment thereof, or if any doubt arose upon any other thing contained within that decree; then, upon complaint made by the party grieved, to the mayor of London for the time being, the said mayor, by the advice of counsel, should call the parties before him, and make a final end in the same, with costs to be awarded by the discretion of the said mayor and his assistants, according to the intent and purport of the said decree. And if the said mayor should not make an end thereof within two months after complaint, then the lord chancellor, upon complaint to him made within three months then next following, should make an end of the same, with such costs to be awarded as should be thought convenient, according to the purport of the said decree. This decree was afterwards enrolled in the high court of chancery. What, then, did the motion of the hon. baronet go to? It went to repeal a law which had been the established law, for nearly three centuries past. After the fire of the city of London, that is to say, in the 22d and 23d Charles 2nd, an act was made, intituled, "An act for the better Settlement of the Maintenance of the Parsons, Vicars, and Curates, in the Parishes of the City of London, burnt by the late dreadful fire there;" the preamble of which states that, "whereas the tithes in the city of London were levied and paid with great inequality, and are, since the late dreadful fire there, in the rebuilding of the same, by taking away of some houses, altering the foundations of many, and the new erecting of others, so disordered, that in case they should not for the time to come be reduced to a certainty, many controversies and suits of law might thence arise." It was therefore enacted, that the tithes of the several parishes, or sums of money in lieu of tithes, should be according to the several sums set against the respective parishes, whose churches had been demolished, or in part consumed: and it was also enacted, that if any variance or doubt should happen to arise about any sum so assessed as aforesaid, then, upon complaint made by the party aggrieved to the lord mayor and court of aldermen of the said city, within fourteen days after notice given to the party assessed, of such assessment made, the said lord mayor and court of aldermen summoning as well the party aggrieved, as the others that made the assessment, should hear and determine the same in a summary way, and the judgment by them given should be final and without appeal; and in any parish or parishes where any impropriations were, the impropriators should pay and allow what really and *bona fide* they had used, and ought to pay to the respective incumbents at any time before the fire; and the same should be esteemed and computed as part of the maintenance of such incumbent, notwithstanding that act, or any clause, matter, or thing therein contained. This act, therefore, was a particular act, growing out of necessity, and was limited to that necessity. The former act, and the decree made thereupon, had settled all disputes between the clergy of London and their respective parishioners. This decree, he repeated, had been duly enrolled, and courts of justice had ever since governed their decisions according to its purport. For these reasons, therefore, he should certainly feel it his duty to move, "That this bill be read a second time on this day six months."

Sir *James Shaw* said, that the inequalities of the tithing system throughout London called loudly for the enactment of the present bill. In the parish of Aldgate the tithes had increased within a couple of centuries from a very few pounds to near 4,000*l.* per annum, whilst in Christ Church, St. Bartholomew's Hospital, that very extensive parish, the tithe was collected at the shamefully low rate of 2½*d.* per pound sterling. He should give the motion his support.

Sir *William Scott* said, that the bill was at variance with every principle of law and justice. The decision of the arbitrators appointed agreeably to the statute of Henry 8th, had been duly enrolled and acted on from that time to the present. The law was formed on the express application of the parties concerned. The property now attempted to be called in question was guarded and fenced round by as strong security as there could be around any property whatever. A part of the property was in the hands of lay impropriators, and could not be considered as differing from any other property. The bill was neither more nor less than telling the lay impropriators and incumbents, that they were in future to be shut out from all courts of justice, and to be entirely at the mercy of the magistrates of the city of London. He was little disposed to speak disrespectfully of the magistrates of any place, and least of all of those of the city of London, in which he resided; but he could not consent to give them the power which this bill went to place in their hands. He recommended the hon. baronet to withdraw the bill.

Alderman *Atkins* said, that the House was not called upon to adopt a new principle of legislation on the present occasion, as it had already interfered twice in such matters, under circumstances somewhat similar. To show the injustice of the present system, he stated that one half of the population of a particular parish paid 130*l.* to the lay impropriator, while the other half of the inhabitants were compelled to pay upwards of 4,000*l.* per annum. Under these circumstances, he should vote for the bill.

Sir *James Graham* opposed the bill, and said, the payment in lieu of tithes was not a tax, but an undivided seventh part of the property. The fact was, that at present the lay impropriators and incumbents did not exact the full amount of their rights, for instead of receiving 2*s.* 9*d.* as they were entitled to, they did not receive more on the average than 10*d.* in the pound. They would, however, be very much in the wrong, after what had passed, if they did not levy the last farthing of what they were entitled to. The most vexatious opposition had been made to the fair claims for tithes, and many persons in the city had entered into long suits with the tithe-holders, which they boasted they supported out of the interest of the long arrears which they had withheld.

Mr. *Butterworth* said, that in the parish where he resided, he had paid tithes by a small rate for years—the same rate, he believed, as had been paid for centuries before; it was so small, that the impropriation had been lately purchased by the church warden for 4,000*l.*; but if 2*s.* 9*d.* were demanded, it would raise the living to the value of 4 or 5,000*l.* a year. He could not conceive that the measure would operate as any injustice to purchasers; who, of course, when they purchased, calculated only on enjoying a certain rate, and paid accordingly. He believed that the alteration of this rate, and the rigorous exaction of the 2*s.* 9*d.*, would be pernicious to the interests of the church, by exciting heartburnings and dissensions between the rector and his parishioners.

Mr. *W. Smith*, in reply to the objection that purchases had been made in expectation of a possibility of establishing the claim for 2*s.* 9*d.*, urged, that a contrary expectation must also have had its weight, and that, in reality, many purchases had been made with no such hope or calculation. It was contended, too, that the legislature had no right to interfere in cases of this sort; but what was the 42d of Elizabeth, by which it was ordered that lords of manors should take no fine on the sale of estates, but an interference of this nature? There could be no doubt that, previously to the passing of that act, many persons had bought manors for the express purpose of profiting by the fines, and yet the legislature did not hesitate to put an end to their exaction; and though this case might not be exactly similar, yet there could be no doubt that the legislature might interfere where the exercise of a right was prejudicial to the public interest.

Mr. *Gordon* said, if persons had purchased tenements without inquiring into the claims for tithes which might be made upon them, that neglect of theirs should not operate to destroy the right of the tithe holder. This was not like the act of the 42d of Elizabeth, a measure affecting the whole of the kingdom, but a local bill which might be drawn into precedent to the injury of other holders of tithes. If a modus was pretended to be established, or if the registration of the award under the statute of Henry 8th were disputed, those were questions to be settled in a court of law. It was remarkable, that two parishes were omitted in the schedule of the bill, one of which, he understood, was the property of the city of London.

Sir *W. Curtis* said, that the two parishes omitted in the schedule, were not the property of the city, but of Christ's and Bartholomew's Hospitals. The reason they were omitted was, that they exacted only 2½*d.* instead of 2*s.* 9*d.* per pound.

The House divided on the question, that the bill be now read a second time. Ayes, 21; Noes, 146. The second reading was then put off for six months.

GAME PRESERVATION BILL.] On the motion for the third reading of this bill,

Sir *C. Monck* objected to the repeal of the last year's act, and the making such frequent changes in the law of the country without producing any substantial amendment. He could not see such a difference between the bill now proposed and that passed last year, as would justify the repeal of the former: besides which, there were many serious omissions in the measure now under consideration. No difference was made between the crimes of stealth and open robbery, and the same punishment was to be inflicted for entering into a preserve by night as for forcibly depredating by day. He hoped, therefore, the former act would not be repealed till some better digested measure could be substituted for it.

Mr. *George Bankes* compared the different punishments, as proposed at several times by the legislature, for repressing the offence of poaching at night in armed bodies, and expressed his opinion, that transportation for seven years, as inflicted by the act of the last session, was not so severe as the discretionary power previously enjoyed by the justices of the peace, of sentencing offenders to serve for life in condemned regiments. The terror of this punishment, however, had not been found sufficient to deter persons from the offence, and the penalty of transportation was rather meant as a change than an increase of punishment. The efficacy of it had been already proved in Dorset and the neighbouring countries, which, previous to that act, were infested with poachers, but since a conviction under it of three persons, two armed with fire-arms, and one with a bludgeon, there was but one instance of a repetition of the offence. If that bill were altogether repealed, no power would exist of arresting offenders, nor would there be any means of punishing them, but by proceeding against them for the pecuniary penalties enacted by several statutes, and particularly that of the 13th of the king. He should not object to the third reading of the bill, but it appeared to him necessary to have it accompanied with a clause repealing the 39th and 40th of the king.—The bill being accordingly read a third time, the hon. gentleman brought up a clause to repeal the act 39th and 40th of the king, cap. 50, relating to rogues and vagabonds.

Mr. *Lockhart* said, that if that act were repealed, persons might go about all night in any number, armed in every way for offence and the destruction of game, while no one could have authority to apprehend them, or any remedy exist for their outrages, but the tedious and uncertain process by action. Under Mr. Joddrell's act, any persons found with engines for the destruction of game by night, might be forthwith apprehended; but it would be highly dangerous to repeal this act, and hold out to the poacher the possibility of going about by night without any danger of apprehension.

Sir *E. Knatchbull* hoped the hon. gentleman would withdraw the clause he had moved. If he would do this, and bring forward his proposition by itself, he would give the subject his best attention.

Mr. *Brand* hoped the hon. gentleman would withdraw his rider, and that the debate would be adjourned to some other time.

Mr. *F. Lewis* supported the proposition of adjournment. He was an advocate for the repeal of the act of last session, because that act authorized magistrates to inflict too severe a sentence upon appearances not fully conclusive of a guilty intention; but yet he could not accede to the repeal of the act alluded to in the clause under discussion, because upon such repeal land-holders or their gamekeepers or other agents would not be allowed to seize men at night who had snares in their possession and were evidently engaged in poaching. Therefore he could not agree to the bill before the House if this clause were attached to it, or rather if a clause were not inserted distinctly authorizing the seizure of poachers at night. He concluded with moving an adjournment of the discussion until this day se'nnight.

Mr. *W. Smith* supported this proposition. He regarded the whole question in a more serious light than some gentlemen seemed to do. The habit of poaching lead to the commission of more serious depredations, and ultimately carried on the offenders to robbery and even murder. This had been found to be the case pretty generally in many counties. The offenders soon proceeded to robbing hen roosts, &c. Two men were not long since brought to the gallows for burglary and murder, who ascribed their early misconduct to their habit of poaching. He wished the offence to be looked at in a more general view. The nature and degree of the punishment should be adapted to affect the moral feelings.

The House divided on the motion, that the debate be adjourned till Monday next; Ayes, 104; Noes. 21.

FIRST REPORT OF FINANCE COMMITTEE—ABOLITION OF SINECURES.] The House having resolved itself into a Committee to consider of the First Report from the Select Committee on Finance,

Mr. *Davies Gilbert* rose to address the committee. He observed, that he had uniformly considered the existence of sinecure places—of those situations, the duties of which were executed by deputy, and of those, the emoluments of which were more than commensurate to the services performed—as a great blot and blemish in the system of this country. He had, therefore, repeatedly supported the propositions brought forward by his hon. friend, the member for Corfe Castle who had frequently attempted to put an end to the evils which he had alluded to. For various reasons he disapproved of sinecure offices—of those, the duties of which were performed by deputy—and of those to which disproportionate salaries were attached. It was clear, that they often, at very inconvenient times, were placed at the disposal of the Crown, and it was no less evident, that they were not fitted for the purposes which those who supported them, declared they were particularly suited to effect. The system was peculiarly liable to the charge of favouritism; for persons were apt to imagine, that offices of the nature he had described were exceedingly likely to be bestowed, not as the reward of public services, but as a remuneration for private favours. Another strong objection to them was, the great abuses to which they were calculated to give rise, in consequence of their being granted in reversion. He had always thought the reversionary system a very bad one; for, if the Crown possessed an office for the legitimate object of remunerating public services, it was not proper that it should, by being granted in reversion, impose a greater burthen on the country, than if it were only bestowed when it became vacant. The integrity of an administration might be such, that they would not countenance the bestowing any of those places, as a matter of favouritism—they might take care that such situations should be granted, as they ought to be, in remuneration of public services; but still an idea had gone abroad, and persons shaped their conduct on it, that those places were subject to this abuse, and it was right that no room should be given for the continuance of such an opinion. Undoubtedly a very strong opinion prevailed, from one end of the country to the other, that those places did give rise to the abuse of favouritism, and, therefore, his voice had always been exerted to procure their entire abolition.—It might be objected, that no great saving would result to the public from the abolition of those offices. He was aware that the present saving would not be very extensive—because it was necessary that good faith should be kept with those who had vested interests. But he conceived the doctrine of vested interests was sometimes carried too far. If an office were granted, which, in the lapse of years, produced much larger emoluments than were originally contemplated, he did not think that the principle of vested interests ought to be extended to it. There were few, however, of those offices; and, as the others came under the principle of vested interests, the saving, at the present moment, could not be very great; but, in the course of a few years, a material benefit would be effected. When the committee recommended, that certain offices should no longer be suffered to exist, it was necessary that they should point out some other mode by which his majesty could reward meritorious services. With this view, a system was recommended, which under certain restrictions, would answer every purpose. He alluded to the granting of pensions for services performed, the time during which individuals had occupied their respective offices being one of the criteria by which the Crown was to be guided in rewarding the exertions of public officers. If the committee agreed to the motion with which he should conclude, namely, "that the chairman be directed to apply to the House for leave to bring in certain bills, for carrying into effect the recommendations contained in the report," they would then have the subject introduced to them in a more detailed shape. On two occasions he had had the pleasure of voting with the hon. member for Corfe Castle, on the subject of abolishing sinecure places. The first time, much opposition was given to his bill; but it was carried almost unanimously when brought forward on the second occasion. He therefore had been led to suppose, that, in the first stage of the present business, every person having agreed that the existence of sinecure places, &c. was a blot in our system, no opposition would be manifested. For though some individuals might oppose the abolition of a particular situation, still he thought that all were agreed on the general principle, and that, consequently, the measure would not be opposed in the outset. But, he understood, he was not likely to be so fortunate as he expected, because considerable opposition was intended. It would be necessary to move, according to the sense of the committee, for leave to bring in a very considerable number of bills. This mode would, it was conceived, facilitate the object of the committee much more than a concentration of all the offices in one bill. This appeared to him to be very proper, because the offices were very different in their nature. For instance, there was the office of chief justice in Eyre, which ought not to be coupled with two other offices of a very different character—he meant the warden of the Cinque Ports, and the governor of the Isle of Wight. The latter offices were executed in a great measure, by deputy, and the emoluments were disproportioned to the duties performed. Still, however, the situation of warden was one of importance —and if, *eo nomine*, it were done away, some other office must be established for transacting the duties connected with the Cinque Ports. The governor of the Isle of Wight had also certain duties to perform: he was a sort of sheriff; and it was impossible that proceedings in that island could go on regularly unless some officer was appointed in his place. It was, therefore, proposed, that those offices should be nominally abolished; but that the duties now attached to them should be performed by persons appointed for that purpose, who should not, however, receive the salary at present paid from the civil list or consolidated fund. He had very little doubt that the measures proposed by the committee would give general satisfaction. He believed the public were aware, that no very great pecuniary saving could be effected by them—the military establishment, &c. being the great causes of the expenses with which the country was burthened. Still, however, he had always expressed his wish that those blemishes in our system should be wiped out; and he hoped the public would approve of the steps parliament had taken to remove an evil of which the public had long complained, and which showed, in the clearest manner, that they were most anxious to do away with every situation founded on principles inimical to the general sentiments of the country. The hon. gentleman concluded by moving, "That the chairman be directed to move for leave to bring in a bill to abolish the Offices of the Wardens, Chief Justices, and Justices in Eyre, North and South of Trent".

Mr. *Boswell* expressed his determination to oppose the system recommended by the committee, which was dangerous in one point of view, and nugatory in another. As an humble individual, he implored the House to enter, with trembling and anxious steps, into the consideration of these very serious measures. He had read the report, and he saw with astonishment, that all those offices which a sound discretion had saved in 1782, were now to be abolished. Two reasons only could be stated for taking this step. One was, that the influence of the Crown was too great, and ought to be diminished; the other, that the finances of the country were in such an impoverished state, as required a strong measure, in order to induce a general system of economy. But here it should be observed, that the hon. mover admitted, that the recommendations of the committee, if agreed to, would not produce any great pecuniary effect. On the first head, that the influence of the Crown was too great, he would most openly avow, that, in his opinion, it was by no means too great. At no period of the history of this country, of which he was aware, was the influence of the Crown less. It had been gradually diminished; and no person could imagine, that it bore any fair proportion to what it formerly was. The present was as good a House of Commons as ever sat within those walls [Hear, hear!] or, perhaps, he had better say, as unmanageable a House as ever met at Westminster; but yet it was so, in spite of all the influence that could be used, assisted as it was by those adventitious circumstances which, as peace had returned, must now be diminished. But the present measure went to destroy that fair influence which had long been recognized—which, he thought, could not be shown to have been injurious to the well government of the country—and, if that could not be proved, he could not see on what just principle it ought to be attacked. It was proposed to take from the Crown the power of rewarding eminent services, which it at present possessed, and the right of granting pensions was to be substituted in its place. But was the privilege of granting pensions better than the mode which was at present in existence? He thought it was not; and he felt, that there was something less honourable in a pension, granted as the reward of public services, than in the appointment to an office long hallowed by time and custom. With respect to the second head, instead of a saving to the public, in all human probability a great increase of expense would be incurred by it. Half a generation must pass away before many of those offices denominated sinecures could be abolished. He objected strongly to that part of the report which recommended remuneration to be granted only where a certain number of years had been passed in the public service. He never before thought that the exertions of public servants were to be estimated by the time they remained in office. The most brilliant services, it appeared, were not to be remunerated, according to the new plan, unless the individual had been engaged five years in office. Were there, he would ask, no other great officers in this country worthy of remuneration, except the eleven mentioned in this Report? Those gentlemen who did the most efficient service to the country, by resisting measures injurious to the nation, were, by this new principle, precluded from being rewarded. If the eyes of the Prince were suddenly opened, and he wished to reward them, he could not do it. Was it to be supposed that they should be engaged for five years before their meritorious services were rewarded? Exertions of a public nature were not, surely, to be valued according to the period of apprenticeship, which gentlemen might have served. According to the report, it was a possible case, that, after the first five years, there might be pensions granted to the amount of 27,000*l*., and, in 30 years there might be an increase on the pension list of 160,000*l*. Where, then, was the saving, which had been talked about?—The hon. member then adverted to the office of warden of the Cinque Ports, which, he observed, they ought to be cautious in disturbing, because the whole arrangements of that district flowed from it. But there was a point on which he felt peculiarly anxious, and he should be wanting in his duty, as a Scotchman, if he did not mention it. At the union with Scotland, very few offices were suffered to remain in that country—and the few that were allowed to exist, were struck at by the present report. He looked upon those offices as memorials of former independence, as soothing to the pride of the inhabitants of that country, and as being a more pleasing remuneration for public services, to a native of Scotland, than the grant of a pension. One office, which he humbly conceived it was not in the power of the British parliament to touch, was aimed at by this report. He alluded to the situation of lord justice-general, which, by the 19th article of union, was specifically preserved. The committee did not, indeed, state that they would abolish this office, but they recommended that the head of the criminal department should step into the civil court; which was just as absurd as if they had ordered lord Ellenborough to go from the King's-bench into the court of Common Pleas. But he would not object to ordering the duke of Montrose, who held that office, to preside in the court, let that be done, if it was thought necessary; his objection was to the abolition of the office. He would contend, that they were precluded by the articles of the union from abrogating any office of that nature in Scotland. He concluded by observing, that humble as he was, he would strenuously oppose the measure in every stage of it.

Lord *Castlereagh* commenced by saying, that though he had on a former occasion, when a bill somewhat similar to the one now proposed went through the House, stated his objections to the principle and object of the measure as then proposed, he was willing to give his support to the measure now before them. He was one of those who distinguished between the old system of administration and the state of things that arose from the war. The power of the Crown, he would admit, had increased since the war began; but, on the return of peace, when the war establishments were reduced, though things could not be restored to the state in which they were before 1792, the power of the Crown was more than proportionably reduced. He denied that the patronage of the Crown was excessive. It was not increased so much as the concurrent circumstances in the frame and action of society required. It was for this reason that he would give his support to the present measure, because it did not bear upon the influence of the Crown; and it was on the same principle that he did not agree with the bill brought in by an hon. gentleman opposite (Mr. Bankes.) That bill went to augment the burthens of the country. According to the general scope and principles of that bill, whenever 27,000*l*. were reduced of sinecures, 160,000*l*. were added to the burthens of the people. The proposed measure was not liable to any such objections. It reduced sinecures on the death of their present holders, and thus recognised vested property; a principle which was always to be held inviolable. It gave to the Crown power of immediate operation; for when an office of 2,000*l.* a year fell in, it was then allowed to grant rewards to those who should be found entitled to them. The hon. gentleman who spoke last had objected, that the pension-list would be increased by this mode. This would not be the case. By no possibility of construction could it be contended, that the pensions would amount to a sum approaching to the sum reduced. When 42,000*l.* were withdrawn, it could not by any possibility be found that more than 39,000*l.* should be given away in pensions. These 39,000*l.* had also to be reduced according to the number of persons who may have died in the meantime, and also according to the number of persons who may return again to office; so that a large portion of this sum must always be, as it were, in abeyance. Upon viewing all the aspects of this branch of the subject, the presumption was, that above 30,000*l.* would never be bestowed in pensions according to this plan. Beyond this part the hon. gentleman did not seem to have read the report. The pensions were to be in a progressive scale in point of time; so that in twelve years, only the sixth part of the money that was to fall in would be given in pensions, as none could be bestowed till two years had elapsed. Upon these grounds he thought one objection he had entertained against the bill formerly introduced upon this subject was removed, as the amount of pensions was brought under some regulation, and a minor scale of pensions was adopted, while the lapse of time after leaving office was greater.—Another great objection he had felt to the measure, as proposed by the hon. gentleman opposite, was the false notion it seemed to countenance, that any material relief could be afforded to the public by the abolition of sinecures. A gross delusion had been most industriously propagated on this subject. He was sure the hon. gentleman had not contributed to that delusion; but it was studiously inculcated, that sinecures were the source of great burthens to the public. Now, the whole amount of sinecures did not exceed 100,000*l.* Suppose all these were swept away, and those most essential branches of administration connected with this support were abolished, it could not bear essentially upon the state of the country, or relieve the burthens of the people. What amount could really be reduced by the present measure he could not estimate; but it was not liable to the same objections, inasmuch as it did not profess to proceed upon any principle of relieving from pressing burthens, or affecting public distress by the abolition of sinecures.—With respect to the patronage of the Crown, it would indeed be a strong objection to the measure, if it were adverse to the influence of the Crown, and proposed any effectual restriction upon it. It would be a strong objection, if it merely went to abolish sinecures; for then the public would be deprived of a most powerful means of exciting and stimulating great and beneficial exertions. But since he had formerly opposed a similar measure, motives had grown up which induced him to give his support to the abolition of sinecures. Industrious and corrupt exertions were made to delude the public upon this subject, and they were made to suppose, that if sinecures were abolished, distress would instantly vanish, and relief would be effectually obtained. There was a general impression and delusion, that certain offices occasioned all the distress and difficulty of the country. This delusion was connected only with the ultimate and insulated effects of a principle most sound and just in itself; but the delusive impression was by no means regulated by or made commensurate with the extent of its pretended cause. Certain offices had, indeed, through long continuance and change of circumstances, become overgrown. The principle was good, but long continuance produced circumstances that required some reform. There were two, or at most, three of this kind. These he had alluded to at the beginning of the session; and the voluntary resignation of an honourable and disinterested nobleman (Marquis Camden) had relieved this question of difficulties that could not easily be removed. He, therefore, congratulated the gentleman opposite upon the success of his measures, and the abolition of all sinecures. At any rate, there was such a distaste for sinecures, that the abolition was salutary, and would go to destroy the rooted objections of many, and the delusion of the public; and it would gratify a great portion of virtuous feeling in the nation, which existed against sinecures. It was very desirable to correct the false expectations spread respecting this subject, and the present measure would have that effect. It would not be a great saving; but, sinecures being bad in principle, it would operate as a cure to the impression and delusion that had gone abroad. Upon these grounds the measure should have his best and most effectual support.—With respect to economy, the measure could not effect much in that view; but it would afford a satisfactory pledge that every thing practicable was done for the relief of the public burthens. If parliament supported and sanctioned this measure, it would dispel the wide-spread and mischievous delusions that prevailed. This was the great and decisive recommendation of the measure. As to time being made the criterion of services to be rewarded with pensions, he thought that time prevented the operation of favour and the suspicion of its operation. Eminent services were entitled to reward independently of time of service, yet even these could not often be ascertained without a considerable space of time for their display. In services of a ministerial nature, time was necessary to entitle them to reward; the qualifications were to be estimated either by time or at discretion. It was far better to make time of service the criterion, than to leave it to discretion. He was ready to admit that there was nothing to be deprecated more than a system of pensions; but he could not believe that there could exist any suspicion that honourable and cultivated minds, that had risen to office through the most arduous course of labour and duty, would be swayed by the prospect of any little reward they might be judged entitled to when they quitted office. The most eminent public services were not thus rewarded at once. Two years was the shortest period of service that could be found entitled to a pension. Under all the difficulties—for he felt that, from the sentimental tone of mind of gentlemen upon this subject, there were difficulties attending it— he would give it his best support. The measure was judiciously framed as to the amount and distribution of the money. There was liberality towards the Crown in affording means of rewarding services. There was economy towards the public as it abolished sinecure offices. He would assure the honourable gentleman opposite (Mr. Bankes), that his bill was carefully consulted in drawing up the present bills, and adopted so far as the objections he had already mentioned permitted; he, therefore, again congratulated he hon. gentleman on his success. He most anxiously hoped, and he would say for all his colleagues, that they most anxiously hoped, that this measure would meet with the approbation and support of that House.

Mr. *J. P. Grant* said, he had heard the hon. chairman, he had heard another hon. gentleman, and he had heard the noble lord, with every attention in his power, but he entertained a widely different opinion from them all on this subject. He must give the noble lord credit for good fortune, in having got the measure reduced into such a convenient form; but he could not congratulate the hon. gentleman near him, on the success of his bill; far less could he congratulate him on the satisfaction this measure would give to the country. It would afford no degree of satisfaction to any independent mind in that House, or to any intelligent individual in the nation. Least of all could he congratulate the House or the country upon the reasons by which the noble lord supported the measure, and the degree of support he gave to it. Its recommendations were, that it did not in the slightest degree affect the influence of the Crown; that it effected no economy, though that was the most important consideration at the present period. What, then, were the motives that induced the noble lord to give it his support? Why, because the measure was adapted to the poisoned public mind. It was not by reason, by argument, by conviction, or any such means, that the poisoned mind of the public was to be cured. The noble lord thus went willingly along with prejudices which he represented as pernicious, and, gladly availed himself of the poisoned feeling that existed in the nation. He must, therefore, congratulate the noble lord; he was the only person in the nation entitled to congratulation. He was the more decidedly of this opinion, when he recollected the purposes for which the committee had been appointed. It was, if he had not misconceived the object, to ascertain the state of our income and expenditure, in order to recommend the best measures to be adopted in the frightful situation into which the country had fallen. At the first part of the session the noble lord hurried forward, so that he superseded on the occasion the right hon. chancellor of the exchequer, who was naturally expected to take the lead, to institute a committee to inquire into the circumstances of our situation, and to devise some mode of relief. The estimates of the year were last session found inadequate to the permanent establishment proposed. He had himself, after a minute calculation, proved the deficiency to be upwards of 18 millions. This statement the chancellor of the exchequer did not venture to contradict; he did not venture to express any opinion of the incorrectness of such a representation. Now, then, came the investigation into the difficulties and resources of the country. For three months, excepting three days, had the committee been occupied with this subject, and the result of their long and painful investigation was this report. Here was their first born, after a long period of gestation and many throes! What, he would ask, had the House a right to expect after so long an investigation? First of all, a balance of our income and expenditure; so that we might be informed of our real situation, and be enabled to judge what reductions were indispensably necessary. Instead of that, we had a recommendation of the reduction of small sinecure offices, and, together with that, the army estimates. He supposed in the next report we should have the ordnance estimates, and, in a third report, the navy estimates. Was it this that the country, was it this that parliament, was it this that any reasonable person expected? Was the expectation of any one satisfied with this report? He would appeal to the noble lord if this was the measure proposed at the beginning of the session, at least the measure he led the House to expect as the result of the committee's investigation. He would ask the noble lord, if the committee was not appointed to inquire into the income and expenditure of the country, and not to spend their time in the way that they had done? They had been going over the ground that other committees had trod before them; and recommending paltry savings instead of executing the business intrusted to them. Other committees had been appointed for the purpose, and nearly in the words of the appointment of this committee; but the course they pursued was very different, and much more praise-worthy. They made extensive inquiries and luminous reports, and brought the situation of the country fully before the House. There was a committee appointed in 1786, that produced a report in the course of a fortnight, and another in 1791, that brought the first fruits of its inquiries before the House in a month. How different was the conduct and character of the present committee. It had now sat for three months, and all the evidence that it had given of its activity and usefulness was this paltry report.

What were the objects that it professed to have in view, and how had it executed them? In comparing its conduct with its instructions, it was remarkable that it began at the latter end of its commission. It was appointed, in the words of the order, to "inquire into and state the income and expenditure of the United Kingdom, for the year ended the 5th of January, 1817, and also to consider and state the probable income and expenditure for the years ending the 5th of January, 1818, and the 5th of January 1819, and to report the same, together with their observations; and also to consider what farther measures may be adopted for the relief of the country from any part of the said expenditure." Forgetting that the former part of its instruction was the most important, this committee began with recommending the abolition of a few sinecures, which had already been inquired into by former commissions and embraced in a former bill of abolition.—He would not go into observations on all the offices mentioned in the report, but he could not help alluding to a few, and the reasons stated for dealing with them, as the committee had done. The first two sinecures that attracted notice were the two chief justiceships in Eyre, north and south of Trent; and the ground on which their abolition was recommended was very remarkable. The committee did not condescend to give a reason for their opinion and advice; they merely said, that the view which the committee have taken of those offices is, that they may be abolished. Conceiving that this absence of all reasons was a very good reason for abolishing the justiceships in Eyre, the committee proceeded to the exchequer, and reports that reasons of a like nature exist for abolishing the office of the auditor and the four tellers. It had been before stated in parliamentary reports, that the auditorship of the exchequer was an important office, for discharging the duties of which it might be necessary to provide in some other way, if the office was abolished; but this committee did not hesitate about the matter. They decided that the justiceships in Eyre ought to be abolished without assigning a reason for the measure; and then reported that, for the same reason, the office of auditor of exchequer ought no longer to remain. The wardenship of the Cinque-ports, and the governorship of the Isle of Wight, next came under the review of the committee, and were recommended to be abolished for the same reasons—that is, the view of the committee was, that they were to be abolished; this view composed the reason why the exchequer offices were to be abolished, and then this reason again became a rule for the rest [Hear, and a laugh!]. The committee in their investigations then proceeded to the second joint paymastership of the army, and recommended its abolition, because "it was wholly inefficient and useless with regard to all business connected with the army." Here at last there was something like a satisfactory reason given for the recommendation of the committee. The inutility to the public service of a place of emolument seemed to be sufficient ground for its discontinuance. Having found out a reason at last, however, they carried it too far, and recommended as a matter "of course," the abolition of the deputy paymaster-general. This did not by any means follow, for a right hon. friend of of his (Mr. Tierney) had lately recommended the abolition of a principal office, the third secretary of state, though he had no objections to the continuance of the deputy or acting officer. The committee had recommended the abolition of one of the joint paymasters-general because to one of them there was no duty to be performed; but they afterwards relaxed in the application of this principle, and retained two joint post-masters general for England and Ireland, for this good reason, "because this office did not appear to your committee to come under the general description of those offices which form the subject of this report." Surely the same reason which made it inexpedient to continue two joint paymasters-general of the army, applied equally to the abolition of one of the postmasters-general, where a greater saving might be effected with as slight a detriment to the public service.

Mr. Grant next adverted to the offices recommended to be abolished in Scotland. The office of keeper of the privy seal was to be continued at a salary of 1,000*l.*; but no reason was stated for this recommendation, except the pleasure of the committee. There could be no ground given why this useless and expensive sinecure should be retained. Whatever reasons existed for abolishing the rest applied equally to this. He then came to the office of lord justice-general of Scotland, to the abolition of which an hon. gentleman had strongly objected; but he saw no reasons for his alarm, as the dignity was not to be lost, but united with its rank, title, and privileges, to the office of president of the court of session.—In going to Ireland he could not but admire the manner in which the sinecures there were disposed of. The offices of no less than four officers, namely, of the surveyor-general of crown lands, of the keeper of the records of Bermingham Tower, of the keeper of the records of parliament, and of the clerk of the paper-office, were to be executed by a public building. "These offices," says the report "may be transferred to the building which has been constructed for the custody of the public records of Ireland." The building was here to supersede the sinecurists, by the recommendation of this economical committee.

Mr. Grant then stated the sums that might be saved by carrying into effect the abolitions recommended by the committee, as compared with the expenditure to be incurred by the pensions to be created by the recommendation of the same committee. The whole savings, making allowance for the payment of deputies in offices where the deputy was to be continued, would amount to only 51,178*l.*; and in lieu of this means of rewarding public service, if it were taken away, the committee recommended the substitution of a pension list, which would cost 42,000*l.* Out of this small saving of 9,178*l.*, how much, he would ask, would remain to the public after the remunerations that would be given by the treasury? Nothing would, in fact, be effected but a small saving in Ireland, and that would only take place after the death of 120 persons. Thus, the public would be benefitted by the measures advised by the committee 40,000*l.*, at the expiration of the existing interests of 120 individuals. Allowing that they died out in 40 years, at the arrival of that period our situation would be so much bettered; but, in the mean time, at the end of the two first 9,000*l.* might be given in pensions; at the end of four years, 18,000*l*; and so on, till we arrived at 12 years from this, when the system would be in full operation, and when, consequently, 39,000*l.* or 41,000*l.* would be given away in pensions. He would leave the country to judge of this species of economy.

Adverting to the question of the influence of the Crown, the hon. gentleman could not but say, that it had increased, and ought to be diminished. Its activity had been strikingly manifested within these few years. He was desirous not to see it farther extended. It was unfortunately not now confined to parliament, but was diffused over all parts of the country. He was not desirous of currying favour with the people by flattering their prejudices, or pretending to yield to their unreasonable demands, when their minds were poisoned, as had been the avowed object of the noble lord that night; but he would say, and he said it with perfect conviction, that he believed them generally right when no means were employed to delude them, and that their conclusions might be relied on as those of truth and justice, so far as their knowledge of facts extended. They had called for economy and retrenchment, and their voice ought to be attended to. They should be undeceived as to their situation and the arts employed to mislead them. They should be told that an incapable government, which had brought the country to the verge of national bankruptcy, did not deserve to regain their lost confidence and esteem by pretending to yield to their prayers, and instead of substantial, universal, and rigorous economy, claiming their praise for a paltry saving of a few thousands. Instead of entitling the administration to any credit, the present measure was, in his opinion, sufficient to excite a prejudice against it. Any man who looked at the finances of the country would see sufficient cause of alarm, which this paltry measure would do nothing to remove. He knew that there were reductions proposed: he knew that the estimates were curtailed, but still there was a great defalcation in the revenue to meet the expenditure. The right hon. the chancellor of the exchequer had last year taken in the ways and means, the surplus of the consolidated fund at three millions; but instead of realizing this surplus, there was this year a deficit of more than three millions and a half. The only disposable revenue for the service of the year was the land and malt tax, and other items, that would not amount to more than six millions. He need scarcely say any thing more to show the deplorable state of our finances, than that the whole of the national income was not much more than sufficient to pay the interest of our debt without leaving any thing for the support of our establishment, or the payment of civil services; that our taxes could not be increased with any kind of exertion, and that the people were scarcely able to support their present burthens. Was he asking too much, therefore, when he besought them to pause and consider what they were doing?—when he asked the House not to intrust the examination of the public accounts with a committee who had yet proceeded not a step in their duty, and would only delude the country by bringing bills at the end of the session when the House was thin, and the measures could not be deliberately examined. He was not disposed to despair of the country if its government were in abler hands. This incapable government should know, that there have existed examples of a government successful in its foreign measures and apparently prosperous, which had yet the canker of decay in its vitals, and was fast hastening to ruin. A government whose expenditure was so disproportionate to its income as ours was at present, was in a state of great danger, and could only be freed from it by a radical change of measures. With reference to the present motion, he certainly would not oppose it; it was to him a matter of perfect indifference, and as such he was persuaded it would be felt by the people, whose delusion, according to the noble lord, it was destined to remove [Loud cheers from the opposition side of the House].

Lord *Castlereagh* begged to state, by way of explanation on two points, that he never had said the influence of the Crown had not increased. His argument merely was, that it had not increased beyond the strict necessity of salutary influence; and again, that a necessary measure of economy, which three years ago was warmly supported by the hon. gentlemen opposite, could not be deserving of their opposition at the present time, when the urgency for its adoption was considerably increased.

Mr. *Huskisson* was at a loss to see how those who supported the former sinecure bills could oppose this. He thought the hon. and learned gentleman whose speech was so cheered by his friends on the other side, and who now, for the first time after the Easter recess, came to attend his duty in parliament, was not just the person to come forward and accuse the committee of slowness in their motions, or negligence in their functions. It was, however, probably a wise policy to put the hon. and learned gentleman in the front rank on this occasion: it was not probably convenient for his friends, who were present on former discussions, to occupy the ground which he now assumed. He remembered when a right hon. gentleman (Mr. Tierney), whom he did not now see in his place, recommended the very thing which his hon. and learned friend had now reprobated, and expressed a fear that that would be done which his hon. friend now censured the committee for not doing. He recollected when that right hon. gentleman said, that a finance committee on such an occasion would be of no use—it would merely attend to some matters of figures, and that the chancellor of the exchequer would come to it with papers and accounts in his pockets, which would not fail to receive its sanction. That right hon. gentleman therefore recommended the committee to begin with useless offices; to look into them and abolish them first. He had not only done so, but he had been seconded by the voice of the country. Some hundreds of petitions were laid on the table of the House, the burthen of whose complaint was sinecures. To them were traced all the calamities which the country endured, and all the corruption which the petitioners reprobated. The public mind had been poisoned on the subject of sinecures. The committee, therefore, to counteract this delusion, began with sinecures. They did not enter into all the details of office, because former committees had by their reports rendered this unnecessary. They did not consider the history of those places; for instance, what were their former duties, why the duties had fallen off, or the emoluments become disproportioned to the payment of the labour they enjoined. The hon. and learned gentleman had criticized the report in a style of pleasantry which he thought entirely misapplied. The hon. and learned gentleman showed that he had not much studied the report to which he referred, otherwise he would have seen the irrelevancy of his observations. Had the hon. and learned gentleman quoted the report fairly, some of his criticisms would have been spared. Instead of stopping at the words, "the view that your committee have taken of the two offices of chief justice in Eyre is, that they may be abolished," he should have read on, and he would have found it added, "without detriment to the public service." The whimsical reason given for abolishing four offices in Ireland was produced by a similar omission in the quotation. The officers were not to be "transferred to the building;" but the documents that were under charge of these officers, by which their places might be abolished. The hon. and learned gentleman had separated the offices of England, Ireland, Scotland, and the colonies, whereas, in speaking of the saving to the public, they should have been mentioned together, and the amount of their salaries given. He would mention, that in Scotland the saving would be greater by the provisions of this report, than by the bill of his hon. friend (Mr. Bankes). The officers were to be reduced as much as they could be, consistently with a due regard to that of the Union. It appeared more consistent to join the title and privileges of the lord justice general to the office of lord president than to consolidate it with that of king's remembrancer, as was proposed by his hon. friend's bill. The report was important, not so much from its saving to the public purse, but its tendency to remove public prejudices, and to counteract the malignant poison which had been infused into the public mind. It surprised him how any one who advocated popular wishes or feeling could oppose it. The measures it recommended were more restrictive than had ever appeared in any former bill. Formerly, the pension list might be carried to 150,000*l.*: now, by the provisions of this report, it could not exceed 42,000*l.* Thus restricted was the principle of profusion and waste. Never did any former plan so limit the means of remuneration to public services. He would not enter into the general subject of finance. The documents could not come into the hands of the committee till the 5th of April, and consequently the deficiency of the consolidated fund this year could not previously have become a subject of attention. What purpose would it have answered for the committee to have sent in a report filled with accounts of the public debt and fixed charges, which could be as well learned from documents on the table as from these reports? They were examining the estimates where a saving might be made, convinced that nothing could have been gained by a bare statement of revenue. The army estimates would be before the House on Wednesday, and by them it would be seen how the committee had been employed. It had been said by the hon. and learned gentleman that the estimates last year were said by ministers to be calculated on a peace scale. This he denied: it had always been denied on the side of the House to which he belonged, as often as it had been repeated on the other. Our expenditure and income could not be stated till the estimates were examined; so that the conduct of the committee was not so preposterous as the hon. and learned gentleman wished to make it appear.

Sir *John Newport* complained, that the select committee had sat from the 8th of February to the 27th of March, and had done nothing more at last than copy the provisions of a bill introduced by the hon. member for Corfe Castle. The suggestion itself, of one paymaster as sufficient for Ireland, was to be found amongst the recommendations of a former parliamentary commission. Why had not the former parliamentary report, with respect to public offices in Ireland, been honoured with the notice of the committee? That report was drawn up on the spot, with all the advantages of local knowledge; and it was the duty of the committee, if they did not think proper to adopt it, to show in what points it was defective or erroneous. He was satisfied that the pension-list of the three countries were quite adequate to the remuneration of all the ordinary services of government, especially in this time of general distress, and for every purpose, except those special cases of merit which ought to be brought under the consideration of parliament.

Mr. *Marryat* was desirous of calling the attention of the committee to one topic which had scarcely been at all touched upon in the course of the discussion—he alluded to the subject of colonial offices. Although two principles had been acknowledged as applicable to the regulations of all such appointments, they had unfortunately not been carried into practice. In the colony of Demerara, where, under the Dutch government, no sinecures were tolerated, and residence was a necessary condition of office, we had established a different principle, and created a sinecure under the name of the vendue master. A variety of emoluments, which poured into the colonial treasury, and would have been sufficient to defray all the expenses of the civil government, had been given to a gentleman who had never visited the settlement. A registrarship and receivership-general had also been created, and the appointment given to a right hon. gentleman, who, far from thinking his profits for doing nothing adequate to his merits, had twice raised his demands on the deputy who fulfilled the duties, and who had intimated that he should, in consequence, be obliged to raise his fees upon the colony. What did not exceed 200*l.* or 300*l.* under the former government, now cost this country between 2,000*l.* and 3,000*l.* per annum. These abuses attracted great attention in a small community, and had a strong tendency to produce discontent, and to retard the progress of improvement. To protect the interests of the colonies, and to ameliorate the condition of their inhabitants, it was of importance that men of rank and character should be appointed to the chief situations, that European principles should be constantly infused, and that personal residence should be enforced. The greatest advantage which could be conferred upon them would be, to give them good masters and a good example.

Mr. *Fremantle* expressed his objection to the abolition of offices of great antiquity in the exchequer, which were always held by persons of high rank, to whom the deputies, who discharged the duties, were bound in great pecuniary responsibility.

Mr. *Robinson* rose only for the purpose of noticing an allusion made by an hon. member to a particular transaction between a principal and deputy, which when the proper time should arrive, he doubted not would receive an explanation that must satisfy every honourable mind; but he thought it very unfair to intrude these individual cases in a debate upon general principles; and the more unfair, because such cases could not possibly exist any longer, a bill having passed three years ago to compel colonial officers to reside abroad.

Mr. *Marryat*, in explanation, observed, that he knew not how any argument was to be maintained without particular facts to support it. With regard to the act which had passed for enforcing residence in the colonies, it could only apply to the old colonies, and not to the conquered settlements, in which the offices were necessarily temporary.

Lord *Milton* said, his objection to the present report was not that it went too far, but that it did not go far enough, and was not founded upon any sound or intelligible principle. He thought the committee might have accomplished more, when he considered the former reports which they had before them, and the light they might have derived from Mr. Burke's celebrated speech upon economical reform. Mr. Burke's plan of retrenchment, in 1782, went much farther than he could induce the House to go along with him; and had he been less thwarted by his opponents on that occasion in his design, much public discontent and irritation would have been prevented. The remarkably slow pace at which the committee had moved, seemed to him to indicate a disposition to do as little as possible, but to do just enough to acquire a little popularity. When the same reforms were formerly proposed by an hon. member, they were opposed by the members of this committee. He blamed them for having in their first report made no distinct statement of the points to which they intended subsequently to direct their attention, not indeed in detail, which would have been impossible, but with regard to all the general branches of the expenditure. He made this observation with a particular reference to the diplomacy of the country, which appeared to him to have increased to an enormous amount. This part of the public service for Germany amounted in 1792 to 17,000*l*,, and for the year 1815 to no less than 38,000*l*. He concurred entirely in the propriety of abolishing the few offices pointed out as no longer necessary, and had only to regret that the committee had done so little, and had confined their attention to scraps and fragments of preceding inquiries.

Mr. *D. Gilbert* denied that he was the organ of the government, and stated that he had, in a former instance, supported the same principle when it proceeded from the hon. member for Corfe Castle.

Mr. *Tierney* assured the committee that he wished to address them for a very short time indeed upon a subject which had been so fully and ably argued by his hon. and learned friend. When he said he believed that his hon. and learned friend's observations had received no answer, he acknowledged that he was not in the House during the speech of a right hon. gentleman (Mr. Huskisson). As, however, the hon. gentlemen on the other side seemed to think it a very triumphant answer, he would now afford them an opportunity of repeating it. His opinion of this committee he had already stated, and he would again describe it to be nothing but a screen between economy and the public expenditure. It was now three months since the committee had been appointed, and if economy had been the real object in view, there was not one word of this report which would be at all conducive to that end. It embraced not any one new topic, except the suggestion as to pensions; and this might have been made on the first day of their sitting, as well as at the expiration of two months. He was a member of a former finance committee, and had attended one day, when he found the hon. gentleman below him (Mr. Bankes) diligently employed in pressing the principles now recommended by this report, namely, that all offices in which there was no duty to be performed should be abolished; that where all the duties were discharged by deputy, the office of the principal should be also abolished; and that those offices in which the service and the emoluments were disproportionate should be regulated. The noble lord opposite, refused to hear a word of it; he would listen to no argument, and give no reasons, lest, as he said, it should endanger the measure in the other House. The noble lord succeeded in a division of sixteen against three; and he (Mr. Tierney) refused to attend any longer, because he was sure that he should serve his country better by urging his opinions in that House.—It was now proposed to introduce several bills upon the foundation of this report, but what hope could they entertain that the Lords would agree to them separately, and without having the entire subject at once before them? How could they be expected to agree in the first instance to a bill of abolition, without knowing any thing of the bill to come afterwards, giving to the Crown certain compensations for this loss in the means of rewarding public services? Suppose the Lords were to appoint a committee of their own to inquire into this subject, the House would be completely turned round, and the whole session entirely lost. He would say nothing more than had been already said as to the bad manner in which the report was drawn; but, with all its defects, he heartily agreed with most of its suggestions; and he thought the country under great obligations [here the chancellor of the exchequer bowed]: the right hon. gentleman need not bow, he was not alluding to him; he gave no credit whatever to administration for the work, but he thought the public was much indebted to the hon. gentleman (Mr. Bankes), who had recommended all these measures five years ago. His hon. friend behind him (Mr. Fremantle) had disapproved of some of the alterations on the ground of the inconvenience they would occasion to the course of exchequer business. It was true, as had been said, that these offices were of great antiquity, that they were filled by men of high rank, and sometimes abused to the purposes of a gross job; but, with regard to the importance of their being held by such and such individuals, the practice not long since was, to give them to children; and we were to trust to providence that they would grow up fit and qualified for their appointments; and if this hope was not realized, we were content to let them laugh at us and point to their patent places. When the responsibility of the acting deputy to his principal was referred to, he would ask where was the difficulty in the agent furnishing the same securities to the government at once? The committee knew that the auditorship of the exchequer was now held by perhaps the ablest man in the country; and yet an act of parliament had once been passed to enable him to execute its duties by deputy, on account of its incompatibility with the office of first lord of the treasury.—The House would do well to reflect to what an extent the pension-list was now carried. The amount of the pensions for England and Scotland, independently of those founded on parliamentary grants, was about 250,000*l.* This was a great burthen on the country, and one to which the attention of the House ought to be seriously directed. Instead of 40,000*l.* which had been proposed as a reduction, he thought the saving in that respect might be very easily carried to the extent of 80,000*l.* He had no wish to deprive the Crown of its necessary patronage; but when he saw numerous pensions granted, for which no public service had been performed, he could not help concluding that they were employed as the instruments of dirty, pitiful purposes of jobbing. The House ought to have all the pension-lists on the table. With regard to the abolition of sinecures, proposed by the report, though he must condemn the manner of the thing, it had his approbation in substance. That the committee should propose to abolish sinecures was perfectly consistent with their duty; but upon what ground did they propose compensations? They will say that they imitated the sinecure committee; but that committee was instructed by the House to consider what offices could be abolished, and what compensation ought to be given on account of such abolition. No such instruction had been given to the present committee, and of course they had very improperly taken this part of the business on themselves. In the bill brought in by the hon. gentleman (Mr. Bankes) it was proposed to abolish the office of second paymaster-general. The present committee admit that 2,000*l.* ought not to be paid for nothing; but then they would attach the remuneration to another office, that of the vice-president of the board of trade. He did not know what were now the mighty labours of those offices; but in lord Grenville's administration, the present marquis of Buckingham discharged the duties both of the paymaster and president. Why might not the presidentship of the board of trade be attached to some other office, as, for instance, that of master of the Mint? It did not appear that the duties of the board of trade were extremely oppressive. The president was now abroad in Holland; in a trading country to be sure, but he was not employed in superintending the trade of this. It had been assumed that there ought to be two postmasters-general, because of the great responsibility of that office; but the fact was, that the duties had always been discharged by one, so that the country was, under this head, defrauded of 2,500*l.* a year. This was the spirit in which the committee had proceeded. It had been said that the consideration of the public income and expenditure was foreign to the object of the committee; but he was of a different opinion. He would maintain the contrary proposition as broadly as his hon. and learned friend (Mr. Grant), who had been censured for stating it. The great object of the committee was, to see what savings could be made in order to diminish the expenditure. A right hon. gentleman had said, that by-and-by the army estimates would be before the House; next would come the navy estimates, which would be followed by the miscellaneous services, and so forth; and then, he said, the House would see the total amount of the demands for the public service. All this he believed was very true; but then, when was it to be done? by the month of June or July, when it would be too late to enter into the full consideration of the subject: and yet nothing was more urgent than that the attention of the House should be directed to that question; for looking at all the receipts of last year as a rule for estimating those of the present, and taking the expenditure at the estimate of the noble lord (Castlereagh), there will be a deficiency to be made good of from fourteen to sixteen millions. How was this to be accomplished? The chancellor of the exchequer would not do his duty if he attempted to tide it over this year as he had former years. With so frightful a prospect before them, not a moment ought to be lost. The House ought to be informed of the measures to which the right hon. gentleman proposed to resort in so extraordinary a crisis. He knew of no resources that the treasury had except the 1,300,000*l.*, arrears of the property-tax, which the right hon. gentleman would not find it easy to collect. He would not surely again hazard the boast of a surplus from the consolidated fund. Indeed instead of the three millions he asserted he had to receive from that source, it was now confessed that he would have 600,000*l.* to pay. These certainly were fit topics for the investigation of the committee. The right hon. gentleman seemed to think, that every thing went well with him because the stocks had risen. It was true, that there had been a rise, assisted by statements of the chancellor of the exchequer in that House, and of bank directors, jews, and others out of it, who had an interest in making the funds look upwards, as they called it; but no solid relief to the country could be derived from this rise. The right hon. gentleman had declared, that he would fund no exchequer bills, and that he would have no loan; but to some sort of borrowing or another he must inevitably be compelled to resort. Did he expect the stocks to keep up next year? That was possible, but it was also possible that those gentlemen who had now an interest in making the stocks rise might next year have an interest in making them fall. For his part, he was of opinion, that the funds would continue to rise for a time; but that when the right hon. gentleman came to settle his accounts, the fall would be rapid. —There was one topic more with respect to the finances, on which he must take the liberty of saying a few words. Three or four times in his hearing, but when indisposition did not prompt him to address the House, the noble lord had asserted, that he (Mr. T.) had given it as his opinion that the peace establishment of the army could not be reduced below 19 millions, and then the noble lord, turning round to his friends for applause, entered into a flourish which amounted to this—"You see what an excellent frugal administration you have got: an administration which has reduced the peace establishment to 18 millions instead of the nineteen, below which it was asserted it could not be carried." Now all that was very fine on the part of the noble lord; only, unfortunately, he had said no such thing. On the occasion alluded to, he had assumed certain data. He had supposed that the public revenue was to be the same as last year; that various heads of expenditure would also be the same; and that the peace establishment would be 19 millions, but he had never said that it ought not to be carried below that sum. On the contrary, he had declared, and now again declared, that if it was not possible to carry the reduction much farther, the country was in a state of bankruptcy. He would conclude by repeating, that he agreed in substance with the measures proposed by the committee, though he must say, that he never knew a committee appointed by that House which had less efficiently discharged its duty to the country.

The resolution was agreed to. After which Mr. Gilbert moved several other resolutions for the purpose of carrying into effect the objects of the report. The House having resumed, leave was given to bring in the several bills. On the motion for bringing in the services compensation bill,

Mr. *Brougham* said, that he should oppose the bill in all its stages, as it proposed to introduce a new and dangerous principle into the constitution. It was the first time it had ever been attempted to recognize this system of pecuniary reward, and to declare that men were to look to high offices in the state for mercenary consideration.

Lord *Milton* agreed in opinion with his hon. and learned friend. The remuneration proposed was to depend on continuance in office, and was therefore to be a temptation to political profligacy. If persons were thus to be induced to hold places for the sake of political influence, to go on with the loss of honour and character, they could not be respected by the public, and their continuance in [office would be a curse to the country. Nothing could be more injurious to the public welfare than a measure which should make the holding of office a mere mercenary object, and on that ground he should consider it his duty to oppose the bill.

Mr. *Bankes* protested against the principle laid down by the two last speakers. Many men were drawn from profitable professions, and induced to accept public employments, and it would be very hard if there were no means of compensating them for the loss they might sustain by changes over which they could have no control. But the principle of the proposed bill was not new; it was recognized in the bill which he had introduced for granting remuneration to persons who had held high offices in the government, and which both the noble lord and the hon. and learned gentleman had supported.

Lord *Milton* said, it was possible that he might have supported the measure to which the hon. gentleman had alluded; but if he had done so, he must now say that he had altered his opinion. When he saw a good reason for changing his opinion, he would never be ashamed to own it. He was not, however, perfectly certain that the bill now produced was the same as the former. The principle of this bill was, that the reward was to depend on continuance in office, and in that respect he conceived it differed from the other.

Mr. *Brougham* was in parliament in 1812, when the bill alluded to was brought in, but no separate measure of compensation was then proposed. The object of the bill was the abolition of certain offices, but it contained a clause of compensation to the holders. He, for his part, was content at that time to let the bill pass with the clause rather than lose the great object of abolishing sinecures; he was obliged to agree to the one for the sake of the other; but the case was very different when a distinct bill for compensation was introduced; a shape in which the proposition had never before been submitted to parliament.

Mr. *Canning* had voted for the bill of 1812, and well recollected that that bill had for its object not only the abolishing of offices, but the granting of compensations. The hon. and learned gentleman had certainly a right to oppose the bill now moved for, and to change his opinion when he pleased; but no artifice of eloquence could reconcile his present with his past opinion, or give him a claim to consistency on this question. The noble lord had acted with more candour. He had with a proper manliness declared, that he had changed his sentiments. The hon. and learned gentleman might also change his, but he had no right to characterize the present measure as something new and dangerous.

Mr. *Ponsonby* did not think that any artifice of eloquence was necessary to prove the consistency of his hon. and learned friend. The bill contained two objects, and all that he had said was, that when they were presented together, he was willing to take the one for the sake of the other. The case was very different when the objectionable proposition was brought forward in a distinct shape. It was, however, very natural that the right hon. gentleman should be an advocate for the right of changing opinion. He knew he had changed his own in a very signal manner—changed it in order to accept office under a noble lord, whom he had intrigued against, with the view of expelling him from the cabinet, on the ground that he was unfit for his high office. It was, of course, no way surprising that the right hon. gentleman should be friendly to changes of opinion. He had already made some remarkable changes, and a day perhaps was not far distant when he might find it convenient to change again. For his own part, his opinion on this question had undergone no change. He was still for abolishing sinecures, and accompanying the abolitions with compensations. There was not only a great prejudice against sinecures, but also against those who held them, and they could not be got rid of too soon. With regard to pensions, however, the public could never be deceived as to the amount of the emoluments received by those on whom they were bestowed. The state of the pensions ought to be always clearly before the public; and with that view he intended soon to move for lists of all the pensions granted in England, Ireland, and Scotland. It would then be distinctly seen, to what extent the patronage of the Crown went with respect to pensions.

The *Chancellor of the Exchequer* thought the House must acknowledge that the right hon. gentleman had defended his own consistency much better than that of the hon. and learned gentleman near him; but it was extraordinary that in attempting that defence, he should find it necessary to make an attack on his right hon. friend (Mr. Canning). The hon. and learned gentleman had singularly failed in his part of the defence; for if he disapproved of the clause for compensation in the former bill, he might have moved to separate the two objects in the committee, and thus have saved his consistency. With regard to the motions of which the right hon. gentleman had given notice, he had no disposition to object to them. It was the wish of government to give every information on the pension-lists and on all subjects connected with the expenditure of the country. In reply to what had fallen from an hon. and learned gentleman (Mr. Grant), he had to observe that he had not entered into the financial situation of the country, because he expected that in a very few days an opportunity would arise for the full consideration of that subject. He should, not many days hence, bring under the notice of the House, a proposition relative to an alteration in the consolidated fund, in doing which he would have to take a detailed view of the finances.

Mr. *W. Smith* maintained, that the epithets, miserable and unmanly, were not applicable to the conduct of the hon. and and learned gentleman or to any of his hon. friends. He did not feel at all disposed to shrink from any opinion he had formerly expressed, and upon that point he felt exactly as his hon. friends had expressed themselves. He who acted with straight forward uprightness, applying his talents, under particular circumstances, and at particular times, for the public good, could not merit such opprobrious terms as miserable and unmanly. In 1812 he had voted both for the abolition of sinecures and for the clause of compensation, because he hoped, by a smaller evil, to attain a greater good; and in doing so, and in avowing it, he feared the censure of no man, however course might be the expressions he condescended to employ.

Mr. *Peel* was not a little surprised, upon a question of consistency, to hear a gentleman speak who a few days ago had most unjustifiably brought a charge of the same kind against a private individual,* founded merely upon an anonymous publication. It was singular, too, that he should be the man to complain of the use of coarse epithets, when he had himself branded the same individual, who had no means of personal vindication, as guilty of the basest and most corrupt inconsistency. It was indeed astonishing that he, of all men, should stand up as the champion of consistency, and as the censor of recrimination. Hon. gentlemen on the other side might, perhaps, on some future occasion, be able to persuade the House that their conduct, in this respect, had been irreproachable; but they would certainly fail in showing that there was any thing monstrous or novel in the course of proceeding now recommended; for he held in his hand the bill of 1812, in which they concurred, and the preamble of which distinctly recognized the principle of pecuniary remuneration, as just, wise, and honourable.

Mr. *W. Smith* said, that after what had fallen from the right hon. gentleman who last spoke, the House would not refuse him the opportunity of saying a few words. The reason why the right hon. gentleman had now revived the subject must have been, that he was not present on the former evening; for, had he been in the House, he could not have been guilty of the enormous, the extravagant, misrepresentation with which he had now to charge him. The right hon. gentleman had too much good sense and too much candour to have attributed to him the expressions that had now been employed, when, in truth, what he had said in the previous debate, was merely levelled at the unwarrantable harsh censures applied by a person who found it convenient to change his political opinions, to those who had not thought fit to follow his example. At least, this part of the complaint had not been answered either by the right hon. gentleman or by the individual whose cause he now, for the first time, stood forward to advocate.

Mr. *Lamb* denied that he or his friends could fairly be accused of inconsistency. He objected to this measure, because it definitively fixed the reward of services: whereas, he thought a certain sum ought to be placed at the discretion of the Crown, to be disposed of in that way in the proportions that might be deemed proper.

Leave was given to bring in the several bills.

HOUSE OF COMMONS.

Tuesday, May 6.

Imprisonment for Contempt of Court.] Mr. *Bennet* presented a Petition from John Hammond, a prisoner in the Fleet, who was committed to that prison on the 28th of November, 1814, for a Contempt of the Court of Chancery, and was still detained there for the costs of that contempt. Such was the distressed situation of this person, so frightful and extreme his poverty, that he must remain in confinement during the term of his natural life, unless the House should interfere to procure his release, as there was no likelihood whatever of his being able to pay the costs. Good God! was it possible, in a country which boasted of its justice, its freedom, its humanity, that any man should be incarcerated for years, merely because he was unable to discharge the fees of a court of equity! Alas! the case had too frequently occurred, and many had fallen victims to this barbarous mode of administering the laws. Last year, when he called the attention of the House to this subject, there was a wretched individual in the fleet, who had been confined there under an order of the court of chancery, for no less a time than thirty-one years. The name of that man was Thomas Williams. He had visited him in his wretched House of bondage, where he found him sinking under all the miseries that can afflict humanity; and on the following day he died. There were at this moment within the walls of the same prison, besides the petitioner, a woman who had been in confinement twenty-eight years, and two others who had been there seventeen years. The petitioner, he repeated, was detained for costs, and for costs only! he had committed no crime, he had not been guilty of any moral offence. This was a disgrace to England, a disgrace to the laws, and a disgrace to those by whom they were administered. The lord chancellor on a former occasion had said, "Why did not I know of these cases before?" He had known of them since, and he (Mr. B.) did not find from the keeper of the prison, that the learned lord had interfered to restore these wretched persons to liberty, to their families, and to the world. It was high time, then, that something should be immediately done, or "the law's delay" would drive them to madness, or consign them to the grave. Whether his majesty's government intended to make any regulations on this subject he could not tell; but the lord chancellor was bound to consider it; and if that learned lord neglected it any longer it would be a great breach of his legal duty [Hear, hear!].

---

* Mr. Southey; see Vol. xxxv. p. 1090.

Sir *F. Burdett* could not restrain his feelings on hearing such melancholy cases stated. That a man should be imprisoned his whole life for a contempt of court, no man could hear without shuddering at the very thought of it. This was a subject of the utmost importance: it required that some steps should be instantly adopted, and he trusted that such regulations would be made as might effectually prevent its recurrence.

Sir *J. Simeon* observed, that every body must know the lord chancellor had a very unpleasant duty to perform on these occasions. It was, however, his official duty in which he could not suffer his private feelings to interfere. If these persons were to present a petition to the court, stating that they had purged their contempts as well as they could, there could be no doubt that the learned lord would do every thing in his power to relieve them.

Mr. *Bennet* said, it was a mere mockery to talk of presenting petitions to the court. Some of them had no means of doing this, and to others no attention whatever had been paid. Their cases were well known, and they ought to be restored to liberty [Hear, hear!].

Mr. *Lamb* thought it a great hardship that persons, after purging the contempt, should be detained in confinement for costs. He saw no reason why the provisions of the insolvent debtor's act should not be extended to these cases, as well as to all those of common law.

Ordered to lie on the table.

MR. CANNING'S EMBASSY TO LISBON.] Mr. *Lambton*, in rising to submit a motion to the House on the subject of the Mission to Lisbon, said, that if ever there was a subject which deserved the consideration of the House, it was that which he had now to bring before them. It was one which had occupied the attention, and drawn down the reprobation of the public from the very first moment of its occurrence; but that feeling had been strengthened by the disclosures which had lately been made of the communications which had taken place on the subject of the Portuguese embassy, previously to the appointment of the right hon. gentleman. He could not here avoid remarking on the ineffectual attempt to withhold the communications with Mr. Sydenham, and thus to give a most unfair *ex-parte* impression, by keeping out of sight the information most essential to a correct judgment of the case.

What he should now do was, to submit

to the House a simple statement of facts, and by them dispassionately to draw conclusions from them. He did not consider this motion as an attack upon an individual, for the conduct of that individual had little to do with the question, but it was a charge against his majesty's ministers of delinquency, by which, in his opinion, they had subjected themselves to an impeachment (if that was not an obsolete proceeding)—a charge of a criminal misapplication of the public money for the most corrupt private purposes. The motives of the right hon. gentleman (Mr. Canning) in this transaction he should not attempt to discover; those of the ministry were sufficiently apparent, and he should be unworthy of the character of an independent representative of the people, if he hesitated to call for the judgment of the House on the conduct to which those motives had given rise. It was now for the House to show that their professions of economy were not empty sounds; and they would not, he trusted, forego the approbation of their constituents—their best reward—for the sake of sheltering the culpable and interested delinquency of ministers, and of propping up a system of measures already denounced by the people as ruinous and oppressive.

This was not the first time when this transaction had been made the subject of discussion, and within and without those walls it had been regarded as a measure resorted to, purely for the purpose of supplying the weakness of ministers by calling to their assistance the talents of the right hon. gentleman—talents too useful indeed to languish in obscurity: it had every where been asserted, that there were no public grounds for sending an ambassador to Lisbon after the conclusion of the peninsular war, that it was a disgraceful waste of the public money and solely to be attributed to the lowest species of political barter, and intrigue. That this was true, he had never doubted; but had he ever entertained any doubts, they would now have been completely removed by the papers which had been laid before the House. Those papers proved, that the mission to Lisbon was undertaken with no prospect of advantage to the interests of this country in its political or commercial relations—but with a view solely to the political, and he might almost say, commercial advantages of the ministers themselves, and that for these sinister objects, they consented to add to the burthens of the people already groaning under the weight of an insupportable taxation. The statement of the case was this: in July, 1814, a negociation was entered into by the ministers, for the purpose of obtaining the co-operation of the right hon. gentleman opposite (Mr. Canning), and his friends in both Houses. On the 29th of June, that negociation was brought to a successful issue, Mr. Canning being appointed ambassador to Lisbon, Mr. Huskisson surveyor-general of Woods and Forests, and Mr. Wellesley Pole master of the Mint. On the 30th of July, the member for Liverpool moved for a new writ in the room of his friend Mr. Huskisson, on the appointment of that gentleman. The motives assigned for the appointment of an ambassador to Lisbon had been two dispatches from lord Strangford, the minister at the court of Brazil, to viscount Castlereagh respecting the intention of the prince regent of Portugal to return to Europe. The first of these dispatches had been received on the 24th of April, 1814, the second on the 26th of August. As these were the only authorities on which the measure rested he should read them. The first was in these words:

"I should fail in my duty, did I not earnestly recommend to the consideration of his royal highness's government, the speedy return to Europe of the Portuguese royal family. The prince's own feelings, and those of every member of his family, are earnestly in favour of this measure. Some degree of apprehension may, perhaps, operate upon the mind of the prince himself, to prevent him from coming forward as eagerly as the other individuals of the royal family would wish; but this sentiment would be easily removed; and his royal highness has explicitly stated to me, that as soon as ever Great Britain declares that his return to Portugal is necessary, he will accede to any intimation to that effect."

This, it would be observed, contained merely a declaration of the line of policy which lord Strangford had thought fit to adopt. The next dispatch was received on the 26th of August, and was in these words:

"The glorious events which have given peace and independence to Europe, have revived in the mind of the prince of Brazil those eager desires to revisit his native country, which had been for a time suppressed. His royal highness has lately done me the honour to state his anxious hope that Great Britan will facilitate the completion of his wishes upon this subject, and that he may return to Portugal under the same protection as that under which he left it. And his royal highness has, during the last week, intimated to me four or five times, as well publicly as privately, that in case Great Britain should send a squadron of ships of war to this place, for the purpose of escorting his royal highness to Europe, it would be particularly and personally gratifying to his royal highness that —— —— should be selected for this service."

The blank, he believed, had been filled up by the name of sir Sidney Smith. Now, on one or other of the dispatches which he had read, the appointment of the Lisbon ambassador must have been founded, if it had any foundation but the desire to find an appointment for the right hon. gentleman. It was ascertained, that in the interval between the 24th of April and the 26th of August, no communication had been made from the Portuguese ambassador to our government: an address had been voted for all the communications from the Portuguese ambassador respecting the return of the prince regent of Portugal, and the answer was, that no written communication had been made. Indeed, he could prove at the bar, that not only had the Portuguese minister made no communication of the probability of the return of the prince of Brazil, but he had asserted, that the government had quite misunderstood the intention of his master. The appointment could not have been in consequence of the dispatch received in April, for it was on the 6th of June that Mr. Sydenham was appointed, and on the 18th of July, when the noble lord opposite had written to Mr. Sydenham, telling him that he could not anticipate any public grounds why he (Mr. S.) should not confine himself within his ordinary allowances, he of course could have had no contemplation of any such appointment. It was still more impossible that the appointment could have been occasioned by the dispatch received on the 26th of August, for that was a month after the appointment of the right hon. gentleman had been announced to the public in the newspapers. He supposed it would not be contended that the appointment did not take place until it was formally announced in the Gazette—the *evidentia rei*, the previous notoriety of the transaction, was a sufficient contradiction of any such idea, and he did not think any of the ministers would stand forward in their places and assert, that the appointment did not take place in July. But if the right hon. gentleman had really been appointed for the purpose of welcoming the prince regent on his return, by what pretence could the appointment be justified in August, when the fleet intended to convey the prince of Brazil to Europe did not sail till the 29th of October? It was morally impossible, therefore, that his royal highness could have reached Europe till the month of May following.

He should now call the attention of the House to the expenses of the mission:—On the 18th of July, 1814, lord Castlereagh had written a letter to Mr. Sydenham, then the minister at Lisbon, in which he stated, that it was the Prince Regent's pleasure, that the expenses of the mission should be reduced to the lowest scale, and stating, that he could not contemplate any reasons for continuing the scale of expenditure which had been adopted during the peninsular war. He had been rather surprised to find this economical disposition in any production of the noble lord's, but his surprise was of short duration, for only ten days after Mr. Sydenham had been reduced to a salary of 5,200*l.* a year, the right hon. gentleman was appointed ambassador extraordinary with a salary of nearly treble that amount. On the 31st of October, in the absence of the noble lord (Castlereagh) at the congress, lord Bathurst wrote to Mr. Canning, then in England, to inform him that he was to be allowed 14,200*l.* a-year on the same grounds on which Mr. Sydenham had been limited to 5,200*l.* Why such a change had taken place in the allowance to the minister, while no change had taken place in the circumstances of the embassy, and when no chance existed of the immediate return of the prince of Brazil to Europe, yet remained to be explained. The expense of sir Charles Stuart had been referred to, but that could form no precedent for the expenditure of the right hon. gentleman. The whole of sir Charles Stuart's expenses were occasioned by the peninsular war. He actually held the reins of the Portuguese government. He was a member he believed the sole efficient member of the regency, and was forced to incur the whole of his large expenditure, to discharge the high official duties of his situation.—But the case was very different when the war had ceased, and when the ambassador was no longer a member of the Portuguese government. On the 30th of May 1815, the right hon. gentleman had found out a reason for this increased scale of allowance. In a letter to the noble lord (Castlereagh) of that date, he stated, that "the rank of ambassador, which could make no practical difference in expenses, of which the salary (whether as ambassador or as envoy) supplied only a part, was politically important, as counterbalancing the positive loss of rank and influence, which would otherwise have been occasioned by the British minister's being no longer a member of the regency." The right hon. gentleman had by that time forgotten the letter of lord Castlereagh, in which Mr. Sydenham was directed to reduce his expenses to the lowest scale. He seemed to have taken a former suggestion of his noble friend—to have "two strings to his bow"—for when he was forced to acknowledge that the object of his mission had ceased, as there was no probability of the prince of Brazil's return to Europe, he contrived to discover, that it was essential to the political welfare of England, that his salary should be continued; he discovered, in short, that as sir Charles Stuart had a large allowance, because he was a member of the regency, so he (the right hon. gentleman) ought to have a large allowance, because he was not a member of the regency [Hear, hear! and a laugh!]. The rest of this letter of the right hon. gentleman's was unimportant, except as it displayed talents for finance, which, although in this instance elicited for his own advantage, it was to be hoped he would henceforward contribute to the public service, and in support of his friend the chancellor of the exchequer in this season of financial difficulty.

From all these documents it was evident, that the plain and almost avowed purpose of the mission was, to procure a place for the right hon. gentleman. He was therefore sent, with a salary of 14,000*l.* a-year to a capital where there was no court, and to which, even while it had a court, no ambassador had been sent for almost a century. He superseded a deserving servant of the public acting there, as envoy with a salary of 5,000*l.* a-year.—He said, superseded designedly, for Mr. Sydenham's intention of resigning was not known to ministers when they made Mr. Canning's appointment, and when he had amassed a sufficient sum, or when a place was provided for him, or when the job became too glaring and called forth the public censure, he left the important business of the Lisbon mission under the sole guidance of a chargé d' affaires; and during the whole of this mission, the only duty performed by him was a speech to the factory [Hear! and a laugh]. The defenders of this mission had talked of the efforts which the right hon. gentleman had made to complete the abolition of the slave trade; and one of his friends, on a former occasion, had said, "that if there was the least chance that the abolition of the slave trade would be accelerated by this measure, the opposers of the appointment of the right hon. gentleman should pause before they called on the country to pronounce it a gross and scandalous job." He could prove, however, that since the appointment of the right hon. gentleman, the trade of Portugal in human flesh had increased instead of decreasing; and that not one single favourable declaration was procured from the Portuguese government by the efforts of the ambassador.

Under all these considerations, he called on the House to come to a decision on the merits of the case. He had now to put to the test the sincerity of the professions of the House, of economy and vigilance over the extravagant conduct of ministers. He showed them a case in which the public money had been most culpably and disgracefully squandered;—no sort of necessity had been shown in the papers which the government had submitted as their justification; on the contrary, every document tended to prove most clearly that in no one instance had they more abused the confidence reposed in them by parliament than in the present. If, in these times of distress and discontent, it was important for the House to acquire a reputation for strict public virtue, and incorruptibility, they would mark their sense of this proceeding, and show the people that they still retained within themselves the means of satisfying their just claims, and of protecting them against the culpable and profligate extravagance of ministers. He should move the following Resolutions:

1. "That it appears to this House, that on the 18th of July 1814, lord viscount Castlereagh addressed an official dispatch to Thomas Sydenham, esq., then his majesty's minister at Lisbon, acquainting him that it was the command of his royal

highness the Prince Regent, that during his residence at the court of Portugal, he should confine his personal expenses within his ordinary allowances as envoy extraordinary and minister-plenipotentiary, viz. 5,200*l.* per annum: that he had directed Mr. Casamajor to lose no time in removing the mission from the house of the marquis de Pombal, and that he could not anticipate any public grounds for continuing the expenditure of his majesty's servants at Lisbon on the scale on which it had been conducted during the war in the peninsula.

2. "That it appears that under the pretence of congratulating the prince of Brazil, on his return to his native dominions, the right hon. George Canning was appointed ambassador extraordinary to the court of Lisbon, with the increased emoluments and allowances belonging to that character, viz. 8,200*l.* as salary, 6,000*l.* as extraordinaries, 1,500*l.* as outfit, and 3,180*l.* as plate money, amounting in the whole to the sum of eighteen thousand eight hundred and eighty pounds.

3. "That such an appointment, on such a scale of expense, appears to this House inconsistent with the recorded declaration in lord Castlereagh's dispatch to Mr. Sydenham, of the 18th of July 1814; was uncalled for by any change in the circumstances of the mission subsequent to Mr. Sydenham's appointment; and has been attended with an unnecessary and unjustifiable waste of the public money."

The first Resolution having been put,

Lord *Castlereagh* said, that as the hon. gentleman had stated the question to the House, he had founded on an historical narrative a charge against ministers of extravagant expenditure, not called for by the expediency of the public service, but highly detrimental to the positive interests of the country. He was happy to meet the charge on these broad and distinct grounds; and if he was not satisfied that the expense in question was perfectly justified by the circumstances that occasioned it, he would not attempt a vindication of the transaction. Considering the situation he held in the government of the country, he hoped he should not incur any charge of presumption if he felt willing to take the whole responsibility of the transaction on himself. At setting out, then, he should disclaim any disingenuousness that might have been imputed to him in the withholding from the House papers and facts more peculiarly within his own knowledge: the case, indeed, was very much otherwise; and so far from having withheld any paper relating to Mr. Sydenham, he had felt much relieved by their production. The fact was, that the hon. gentleman had first called for information connected with the embassy to Lisbon, and had never demanded any retrospective documents; afterwards he called for information on the dispatch forwarded to Mr. Sydenham, which was immediately afforded; and then the question was, whether there was any ground for expecting the return to Europe of the prince of the Brazils: but the view taken by the hon. gentleman so far from leading to any just conclusion, had embarrassed rather than facilitated the discussion.

Before he came to the principal question, it was necessary to separate from it an imputation, that a measure had been engaged in, calculated to produce unnecessary expense to the country. The hon. member had supported this imputation by drawing a comparison between the expenses of the embassy, and those incurred by Mr. Sydenham—a comparison that was in no wise fair. In the first place, the sum mentioned as the ambassador's allowance, included extraordinaries: and so far from the salary amounting to 14,000*l.* a year, it did not exceed 8,200*l.* if these extraordinaries were deducted; and 8,200*l.* was no more than was usually granted in all foreign missions. If the hon. gentleman wished to know what was the utmost expense of the mission, he would find that the ambassador's allowance, with the extraordinaries, increased as they were by all the circumstances which at that time tended to raise them, did not exceed in amount what the committee in 1815, on the civil list, had recommended, and the House had adopted, as expedient at Lisbon, not for an embassy, but for a mission of the second order. The statement, therefore, made by the hon. gentleman was not fair; but before he went into the question, whether a change had been necessary in the establishment at Lisbon, he thought it necessary to correct the statement, that the last mission had been arranged on a scale of unusual expense. With respect to the charge itself, it was quite clear that, in his letter of the 18th of July 1814, he had laid Mr. Sydenham under injunctions to confine his expenses as much as possible; but he did not say that cases might not occur in which it would be necessary to alter the scale of expenditure; on the contrary, he could fully justify an approach in the scale of expenditure to that incurred by sir Charles Stuart. But what was the case when he wrote to Mr. Sydenham? He had written without any knowledge of the peculiar local circumstances of Lisbon, without knowing that Mr. Sydenham had been writing to him on the judgment of the duke of Wellington, that he must be ruined by his situation at Lisbon unless the government allowances were increased. He put it, then, to the House, whether there were not circumstances connected with the local situation of Lisbon—the price of provisions, the necessity of keeping up appearances—which might render it expedient to raise the allowances beyond what he had calculated on. He had written, too, to Mr. Sydenham at a time when there was no court at Lisbon, and no immediate expectation of the return of a court. He would ask, therefore, whether with a view to welcoming home the sovereign of the country, it was not the duty of his majesty's ministers to consider how far the expenses should be increased when a mission was sent for the express purpose of that welcome? The scale of expenses, therefore, recommended to Mr. Sydenham, was not a fair ground of comparison. Mr. Sydenham had been sent on a mission to the regency, and not to the prince of the country; he had been sent on a mission of the second order, and not on an embassy; and the whole expense of the last embassy did not exceed the amount allowed by the House; and therefore, if he had not yet justified the embassy on political grounds, he trusted he had rescued it from the charge of wanton expenditure.

Having thus relieved the question of the imputation of disingenuousness, and of the charge of expense that had been brought against his majesty's ministers, he should call the attention of the House to an explanation of the grounds that had induced them to advise the special mission to Lisbon, for the purpose of welcoming the prince of Brazils on his return to Europe. The wish of this government, that the prince of the Brazils should return to Europe, had not been expressed for the first time, at the period to which the papers on the table related. It had been repeatedly urged, that the presence of the sovereign was essential to the interests of his country, and that his absence was embarrassing to all the concerns of the state, and the exertions made by us for Portugal herself. Indeed, the duke of Wellington had encountered serious difficulties from this circumstance during the last years of the war, on questions that could not be decided without reference to the prince of Portugal. This was at a period when the war was carried on with vigour; but when it ceased, embarrassments were felt all over Europe from the absence of this prince. In 1814, serious difficulties had arisen at the peace of Paris; nor did they terminate there, but were again experienced at the congress of Vienna; and the questions touching Portugal could not be satisfactorily settled. The same difficulties recurred in the campaign of the second war; and the endeavour to bring the Portuguese troops to the aid of the allies failed, because the regency could not authorize such a measure without sufficient instructions. The House would therefore, see the necessity there was of pressing the return of the prince to Europe; and there had been every reason to suppose that the prince had designed to revisit Portugal as soon as there was any certainty of his not being again disturbed. It was true, that in the letter of the 18th of July, he (lord C.) had stated, that no change was anticipated, but he did not contemplate any certainty that circumstances might not occur which would justify a different scale of expenditure; and if the hon. gentleman argued, that government did not contemplate the possibility of the prince's return, he was entirely wrong: for they had long been in earnest hope and confidence that such an event would occur. That hope had been much increased after the peace of Paris in 1814, because one of the causes that had prevented a return to Europe was the unsettled state of the continent, subject to every kind of casualty. But in July, after the peace had been established, the government thought the probability of the prince's return much increased.

As to the mission having been determined on in the middle of July, before any communication had been received of the prince's intentions; if the hon. gentleman looked, he would find, there was a communication in a letter received from the prince of Portugal, dated the 2nd of April, expressly mentioning the prospect of the prince's return; and that the cause of his delay was only the unsettled state of Europe. That letter gave additional confidence to the hope, that when his royal highness learned the event of the peace in 1814, he would immediately return. In answer to the express question put by the hon. gentleman, he could truly state, that the embassy to Lisbon had not been determined on by him till the 8th or 10th of August, at which time the prince's return was thought probable; and it was considered what sort of a mission should be sent out to welcome him back. But the matter was not fixed till the 26th of August, when the letter was received from lord Strangford which left no doubt on the minds of his majesty's ministers. Did the hon. gentleman think that his majesty's ministers would dispatch a squadron across the Atlantic for an excuse to set up an individual in an embassy, and expose themselves to obloquy? He was certain that the hon. gentleman could not be sincere. There was something so ludicrous in such a supposition, that he should think he wasted the time of the House if he attempted to argue any further on the question. His majesty's ministers had been persuaded that it was the prince of Brazil's intention to return to Europe. They might, perhaps, be charged with believing what they wished; but so firmly did they credit it, that they had been anxious that his return should be attended with the highest marks of respect in their power. He should have thought it a most unpardonable neglect on the part of the government if such a measure had not been adopted, especially when the terms on which the two countries stood towards each other were considered. Portugal had always been our firm ally, and its interests had always been our care. But the measure was not confined to ourselves. What had been the conduct of France? Though it had a mission on the spot, yet it had sent one of its first noblemen, the duke of Luxembourg, to congratulate the prince of Brazil on his return. Neither had France alone so acted. The embassy sent by the emperor of Russia to the Brazils had been originally appointed for the same purpose, and with the same character as our own. In the situation in which we stood with respect to Portugal, not to act as we had done, would have been most improper, especially as the sovereign of that country had sent an ambassador to our court, to express his gratitude for all that England had done in his favour. It was the duty of government to hail the return of the royal family of Portugal to their European dominions, with those demonstrations of respect which such an occasion required. It was for this purpose that the appointment in question had been made. As to the propriety of such an appointment he had not heard any thing to show, that it was not necessary that it should have been on such a scale. His right hon. friend would never have been asked to undertake the duties incident to such an appointment, were it not that, for other motives, he had resolved to visit Portugal, even long before the appointment was deemed necessary by the British cabinet. Although, for some time previous to the appointment, government had reason to think that the prince regent of Portugal intended to return to Lisbon, yet it would have been rather unjustifiable to have made any arrangement for his reception by appointing an ambassador until the most positive assurance was given that the Prince Regent was actually coming. When such assurance was received, and not till then, it was that his right hon. friend was appointed.

As to the motives which accelerated or retarded the departure of his right hon. friend from England, they were quite of a different nature; but the facts relating to it were these. In August, when news was received that the prince regent was just on the eve of setting out from the Brazils, lord Bathurst, on the very day that this news arrived, sent instructions to have a squadron prepared. His right hon. friend happened at that time to be in the West of England, and his appointment was scarcely then thought of. In his (lord C.'s) letter of the 25th of July, he stated that the squadron was then in readiness, but would not be dispatched till some more certain intelligence was received. The instructions of lord Bathurst to the admiralty were given on the 26th of August, when, as he had already stated, positive information was at last received that the prince regent was returning; and immediately on these instructions being received at the admiralty, admiral Beresford would have sailed, but that he was delayed for a long time by adverse winds. It was attempted to found a charge against his right hon. friend on the delay which took place between the time of his appointment and of his sailing for Lisbon. But did the House really suppose it possible that his right hon. friend or any other person could have made the necessary preparations for such a mission without some delay? Did any man suppose it possible that he could have set out instantly and made his preparations in Lisbon instead of in London? It was impossible for any one who took a just view of the circumstances of the case, to say that the delay was not necessary and unavoidable.

And yet these were the grounds on which this calumnious charge was preferred. For his own part, he must enter his plea against the unfair and inflamed view which the hon. gentleman endeavoured to make the House take of the question, as related to the expenses of the mission. The facts on this part of the subject were grossly misrepresented, for the mission of Mr. Sydenham was in truth more expensive than that of his right hon. friend. The proof of this was to be found in the accounts, and to them he must refer the House for the refutation of all that was urged on this part of the question. If there was any fault to be found with the mission, it was not his right hon. friend, but himself and his colleagues in office, to whom the House must impute the blame. The British cabinet made this appointment, because, in their conscience, they believed that the prince regent of Portugal would come. If the hon. gentleman could, from the documents before the House, convince himself that by the mission an unnecessary expense to the country was wantonly incurred—that the design was to create a mission for so base a purpose as that of giving any political facility to any favoured individual—if such a conviction could be wrought in the mind of the hon. gentleman, it would only evince a strange perversion of mind. But, certainly, nothing which the hon. gentleman had stated could excite any such persuasion in the House. In the whole transaction and in all its stages, the House would trace the motives of the British cabinet, and they would find them the very reverse of those which the hon. gentleman so unfairly ascribed to them;—they would feel that, if under the circumstances of the case, when the return of the Portuguese royal family was announced as certain, and when the political situation of Europe so much required that our relations with the court of Portugal should be strengthened, and every means afforded by the presence of a British minister to put the energies of Portugal in motion—that under such circumstances, if the British cabinet would have neglected its duty; if it had not sent an ambassador to Lisbon of such weight and authority, and, in short, a mission of such a scale as that which had been sent they would have neglected their duty. Such being the view which he was sure the House would take of it, he must meet the motion of the hon. gentleman by moving the previous question.

Sir *Francis Burdett* observed, that if it was the object of the noble lord, as it seemed to be, to involve the question before the House in obscurity, so as to withdraw attention from the real merits of the case, no failure had, he believed, been more complete than that which had been witnessed upon the present occasion. To the clear, distinct and able statement of the hon. mover, the noble lord had, indeed, made a most inefficient reply; for as to the noble lord's explanation of the mistake so casually committed with respect to the production of a certain letter, that mistake was in fact of no consequence to the merits of the question, whether the prince regent of the Brazils really intended to return to Portugal at the time the appointment under consideration took place. Upon this subject it appeared that a very intelligible hint was communicated to ministers, with regard to the Regent's intention, which they intirely slighted; for notwithstanding that hint, the right hon. gentleman was appointed ambassador to Lisbon for the professed purpose of receiving the Regent, at a considerable expense to this country. The noble lord had talked a good deal about the state of Europe, in order to show the necessity of this appointment; but upon this point he could not distinctly understand what the noble lord meant; for he had stated no reasons, grounded upon what he called the state of Europe, to justify such an expensive appointment. Indeed, the noble lord had offered no reasons upon the subject, and therefore he was a very incompetent advocate. But although a bad advocate, the noble lord, it must be confessed, had presented some striking characteristics of a good christian, for he had spoken well of those who had spoken ill of him—and had treated those kindly who had despitefully used him; he had, indeed, returned good for evil [a laugh, and Hear, hear!]. Such an instance of christian disposition had, indeed, been rarely, if ever, witnessed in the history of political men. The noble lord had, however, evinced nothing of the humility, although he had shown so much of the spirit of a christian; for the triumphant tone in which the noble lord had spoken, in alluding to the appointment of his right hon. friend, as the noble lord called him, was very intelligible. The noble lord had, indeed, some grounds for triumph. The right hon. gentleman was known to have declared to his constituents at Liverpool that he could not, consistently with his honour, accept place in conjunction with the noble lord, and what a gentleman could not do, consistently with his honour, it was apprehended he could not do at all. But it seemed that a desire to do good for the country overcame this obstacle of honour, and the right hon. gentleman was induced to accept office under the noble lord. Thus the right hon. gentleman presented an example of condescension and forgiveness which was rewarded by the forbearance and panegyric of the noble lord, especially in the present discussion. There were two views to be taken of a question of this nature. It was very often stated, that public men had no real view to the public service in the course which they pursued, and that they were generally influenced by mercenary motives. The right hon. gentleman, whose conduct was under consideration, had frequently and loudly complained of this imputation, alleging that it was quite unjust thus to stigmatize the views of public men, while he was always forward to stigmatize by every means in his power the character of all those who differed from him in political opinion, and especially the advocates for reform. The right hon. gentleman was indeed uniformly heard, like the Pharisee in the temple, to express his pleasure that he truly, in his conduct, was not like other men [a laugh, and Hear, hear!]. But against the reformers the right hon. gentleman's invective was peculiarly levelled;—for they, according to the right hon. gentleman, were deserving of every possible censure. Yet the right hon. gentleman no doubt thought that he himself, even in this case, was not deserving of any censure whatever. The right hon. gentleman indeed seemed to take credit for blameless conduct both within and without that House. Nay, he appeared to think his conduct on all occasions quite laudable. But how stood that conduct in the instance under discussion? The noble lord was so fortunate as to have a place to dispose of, which he calculated would serve to reconcile the right hon. gentleman to the support of his administration, and the right hon. gentleman was so fortunate as to find that place suitable to his views, and therefore he promptly accepted of it. For the right hon. gentleman felt it very convenient to accept a place with a large salary, where he had nothing to do, by becoming ambassador to a country where there was no court, for so it turned out, and yet for this appointment the right hon. gentleman received no less than 19,000*l.* a year. If the appointment of an ambassador to Lisbon were really necessary, surely it would have been time enough to make that appointment when the prince regent, at whose court that ambassador was to act, had actually returned. But the right hon. gentleman was invested with his appointment, and in the receipt of his salary, before the fleet had sailed from England to bring the prince regent home, as well as before the intention of the regent to return was positively ascertained. What could be advanced or imagined in defence of this part of the case? The noble lord had no doubt stated that he expected the return of the regent at the time this appointment was settled, and this statement the noble lord made upon his conscience. What the noble lord thought or believed in his conscience, it was impossible for any other man to say; but this he (sir F. B.) felt himself warranted in asserting, that nothing appeared to justify the belief which the noble lord had expressed. On the contrary, he could not help considering the appointment, which the noble lord professed to ground upon his consciencious belief, as the grossest job he had ever witnessed, and he had no doubt that it so appeared to the country at large [Hear, hear!]. What, then, was to be thought of those who could, for the purpose of such a scandalous job, be induced to augment the burthens of this impoverished country, merely with a view to conciliate the support of the right hon. gentleman, for such was the universal and just impression upon the public mind. Such a transaction could only be regarded as a plain, open, palpable job. Sir Robert Walpole had observed, that every man had his price, he meant in parliament; but the noble lord, who although not so old as sir Robert Walpole, had had more experience, and had become more accurately informed, precisely ascertained the amount of the price, for here he had presented it in figures [a laugh, and Hear,

hear, hear!]—On the whole, he could not hesitate to characterize this transaction, to borrow a word often used by the noble lord, as completely "disgusting;" for what could be more disgusting than to aggravate the burthens of a nation so impoverished at present, as well as at the time the extraordinary appointment under discussion took place? Therefore, whenever he should hereafter hear the right hon. gentleman indulge in his favourite system of traducing the reformers, his only defence against such a system would be to allude to the mission to Lisbon. His simple reply indeed would be "peculation—peculation—peculation." And it was no wonder that those who sanctioned such peculation should abuse the reformers. It was no wonder that the right hon. gentleman, in particular, who profited so much by such Peculation, should, in praising the constitution, while he only meant to protect its abuses, endeavour to deprecate those reformers who sought to put an end to the system by which he was sustained and enriched. It was no wonder indeed that the right hon. gentleman should reprobate the advocates for economy, and indulge in "merry descants on a nation's woes," while even those woes were to him a source of wealth. But the public would know how to appreciate the right hon. gentleman's motives, as well as those of the noble lord who had evinced so much of the spirit of forgiveness upon this occasion. The right hon. gentleman and the noble lord had, as well as others, often dwelt much upon the value of public character. The right hon. gentleman had indeed pronounced that character to be an important part of the public property, and quite essential to the interests of the country. But the country would consider the estimation which the right hon. gentleman sat upon that character from his own conduct in the transaction before the House. If the value attached to public character was to be judged of from such conduct, and this character was to be deemed a part of the public property, he was very much afraid that that property was in a state of great jeopardy, if it was not irretrievably gone. For the imputation which must attach to public character from this most disgusting job—which was only a sample of the system, however varnished, that was continually going on—could not fail to be degrading. But the enormous expense of such a job would be useful; for it must open the eyes of the country, and excite every public-spirited considerate man to struggle for the extinction of such an abominable system, by co-operating to reform the constitution of that House, to which this, as well as every other evil that afflicted the country, was mainly attributable.

Admiral *Beresford* felt himself called upon to state to the House a few facts connected with the present question, which were within his own personal observation while stationed off the Brazils. In the month of September, the prince regent of Portugal desired him to wait at the Brazils as his royal highness intended to return in his ship to Lisbon, and only waited the arrival of dispatches from thence, to fix the time of his departure. Soon afterwards there was an arrival from Lisbon, upon which he waited on the prince to know his intentions. His royal highness said, that he waited the arrival of further dispatches, and desired him still to wait at the Rio. Soon after this time he (Admiral B.) was in very bad health, so that he could not personally attend on the prince; however, after some further time he sent to know the pleasure of the prince when he was again desired to wait, as his royal highness daily expected dispatches, which would induce him to go to Lisbon in his ship. The prince was then so fully determined to go, that he asked to be informed in what time the passage to Lisbon might be made. It was not till the 6th of April that the prince sent him a final answer that he had determined not to go. But for these circumstances, and the constant expression of the prince, until the month of April, of his intention to return to Lisbon, he could assure the House that no consideration would have induced him to wait at the Rio, for even five days after his arrival there.

After the speech of sir John Beresford, there was a considerable pause in the House. At length, no other member offering himself, and the question being about to be put from the Chair,

Mr. *Canning* rose, and spoke nearly as follows:—

Sir; Upon a question which, however disguised in form, I cannot but feel, in common with every member who hears me,—in common with the hon. mover of the resolutions, and in common with the hon. baronet, who has fairly stated the real object in view,—to be an attack directed against me individually, I trust I shall not be considered as having shown any blameable reluctance in pausing before I offered myself to the attention of the House. Sir, I could not bring myself to believe, that, in the two speeches of the hon. mover and the hon. baronet, I had heard the whole of what is to be alleged against me; and yet I must suppose that, if others intended to add their weight to the accusation, I must suppose that, in a case in which every thing that is dear to man, in character, in reputation, and in honour, is at stake, they would have had the fairness to give to the accused an advantage which is not withholden from the meanest criminal, that of hearing the whole indictment to which he is to plead.

If, after a year of menace, and after three months of preparation, from amidst all the array which I see opposed to me, these are my only accusers; if the speeches which I have heard, contain the whole of the charges which are to be urged against me,—charges, which those who bring them forward state to be directed to no other object than the public weal, but which I know, and which they know, to be intended to disqualify me for ever from serving the public with credit to myself or with advantage to the state;—if this be all, it falls indeed far short of the expectations excited by such mighty menace and by such deliberate preparation! But, Sir, if this is not all, if there are gentlemen, who hold themselves in readiness to aggravate the matter preferred against me,—whose speeches, prepared for the occasion and now throbbing in their breast, are reserved till I shall be disabled from answering them,—from such I appeal to the candour of the House and of the world; declaring, and desiring it to be understood, both within and without the walls of this House, that if I do not refute what they may hereafter advance against me, it will be only because I am precluded by the forms of the House from speaking a second time [cries of No, no! from the Opposition]. O, sir, I am not to be told that the motion consists of a string of resolutions—that each resolution is a separate question—and that upon each separate question I may speak;—but neither are my accusers to be told that this is technical nonsense;—that the effective debate must take place upon the first resolution, and that the question upon that resolution once put to the vote, I should be heard upon those which follow, to very little purpose indeed.

I agree with the hon. baronet, that I have often deplored and deprecated, and, in spite of the hon. baronet's warning, I shall continue (not for myself but for the public good) to deprecate and to deplore the practice of calumniating public men on either side of this House, by imputing to them motives of action, the insinuation of which would not be tolerated in the intercourse of private life. If, indeed, I shall be found to have forfeited all claim to the confidence of the House, the hon. baronet needs not fear that I shall again offend him by such unpleasant animadversions. But if, on the other hand, I shall be fortunate enough to make plain to others—that which I myself confidently feel—my perfect clearness from any of the imputations attempted to be thrown upon me, the hon. baronet may depend upon hearing from me hereafter the same language which I have used heretofore, on this—and on other subjects still more disagreeable to the hon. baronet and his followers.

Sir, the charge which the hon. gentleman's resolutions involve, is this,—that the government, being perfectly aware that the prince regent of Portugal had no intention of returning to Europe, pretended a belief in such intention, for the express purpose of corruptly offering that mission which I corruptly accepted. It is true, that a distinction is most disingenuously affected to be drawn between the government and me; of which it is hardly necessary to say, that I disdain to take advantage. It is pretended, that a charge is brought forward only against the government for making the offer, but that I might have accepted that offer—if not altogether without blame, at least without absolute criminality. Sir, I disclaim this insidious distinction. I will allow no such exception in my favour. As my noble friend has claimed that my case shall be considered as that of the government, so do I declare on my part that the case of the government is mine.

The first head of charge, therefore, against the government and myself is, that there was no belief on the part of the government, or on mine, that the prince regent of Portugal intended to return to Europe: the second is, that the mission sent to receive and congratulate the prince regent on his return was on a scale of unnecessary, unexampled, profligate prodigality. To both these issues, distinctly, I mean to plead. All that I require of those who are to judge me is, that they will keep these two issues separate in their minds; that they will not confound them, as has been industriously done in the speeches of the hon. gentleman, and the hon. baronet. If a fraud were purposed—if the government did not believe in the return of the royal family of Portugal—there is crime enough for an impeachment, if you will, without entering into the question of expense. In that case the expense of one farthing was too much. But if on the contrary, the government was sincere in its belief of the occasion for the appointment when they made it, and I, when I accepted it, then the question of expense is indeed a fair subject of parliamentary jealousy (I am far from denying that it is so); but the amount of that expense must be estimated, with reference to its object,—and not upon the unfair and fallacious assumption that there was no occasion for any expense at all.

As to the first point, if I were pleading for myself alone, all that it would be necessary for me to do, would be to refer to one only of the papers before the House;—the extract of lord Strangford's dispatch to lord Castlereagh, dated Rio de Janeiro, June 21st, 1814. It is in these words:—

"The glorious events which have given peace and independence to Europe, have revived in the mind of the prince of Brazil those eager desires to revisit his native country, which had been for a time suppressed. His royal highness has done me the honour to state his anxious hope that Great Britain will facilitate the completion of his wishes upon this subject; and that he may return to Portugal under the same protection as that under which he left it."

The dispatch, of which this is an extract, was, in fact, the only one upon the subject that I happened to see before I went to Portugal.

Before I proceed further, I must here vindicate my noble friend, the secretary of state for the foreign department, from the allegation of the hon. gentleman, that my noble friend studiously delayed, or wilfully confounded, the papers moved for by the hon. gentleman or his friends. The hon. gentleman accuses my noble friend of having produced a dispatch, addressed to me by lord Bathurst, instead of the dispatch of my noble friend to Mr. Sydenham of the 18th July, well knowing that this latter was the paper really moved for. Now, Sir, I cannot pretend to say in what terms the motion of the hon. gentleman was conceived: I was not in the House (so far as I know) when he made it. The first knowledge that I had of it was from a note of my noble friend, inclosing a copy of the dispatch addressed to me by lord Bathurst; informing me that this dispatch was to be laid before the House of Commons; and desiring to know, whether there were any papers which I might wish to be produced in order to meet the charge, whatever it might be, which appeared, by the call for this dispatch, to be meditated against me. This was a courtesy which my noble friend, or any minister, would have equally shown to any other individual menaced with a parliamentary attack; and I only mention it, as affording a strong proof of the sincerity of my noble friend's belief that the paper first produced was that which had been moved for by the hon. gentleman. Lord Strangford's dispatch being (as I have said) the only document that I happened ever to have seen, relating to the prince regent of Portugal's return, it was the only one that occurred to me as at all necessary to illustrate that matter. It was the only one, therefore, of which, with that view, I suggested the production; and, upon looking it over, as I was extremely desirous to bring forward nothing but what was absolutely necessary, I thought the two or three sentences, which are given in the first set of papers presented to the House, amply sufficient. I knew, indeed, that the prince regent of Portugal's intention of returning to Europe had been questioned; but it was not until after the production of these papers that I had any suspicion that it was denied The hon. gentleman now professes that his intention was to move, not for any dispatch to me, but for a dispatch to Mr. Sydenham. It is to be regretted, in that case, that the hon. gentleman did not mention Mr. Sydenham's name in his motion, which would have obviated any possibility of misapprehension. I am not without my suspicions, indeed, that if in return to the hon. gentleman's ambiguous motion my noble friend had laid upon the table the dispatch to Mr. Sydenham, he would then have been accused of keeping back the dispatch to me. In truth, Sir, if the hon. gentlemen wanted complete information, their obvious course was, to move for *all* dispatches relating to the subject in question, within a certain specified period But if their object was to feel their way, paper by paper, in order that they might proceed or not, according as the information obtained by their successive motions should or should not correspond with the prejudices which they had endeavoured to raise; why, then, Sir, perhaps they had not gone far in this course of discovery before they repented of having engaged in it.

But to return to the dispatch of lord Strangford. The extract from that dispatch which I have just read, appeared to me quite sufficient to establish the prince regent of Portugal's intention.—I confess, indeed, that my belief in that event rested on authority short even of this extract. It rested on the authority of a private letter from lord Liverpool, received by me on the 28th of August, at a considerable distance from London; which,—though it is not pleasant to quote in public discussion the contents of private letters,—I will now (having my noble friend's permission), read to the House. It is dated, London, August 26th, 1814.

——"Letters have been this day received from lord Strangford, by which it appears, that the prince of Brazil has intimated his desire to return to Portugal (in consequence of the recent events in Europe), and the gratification which he would feel at the arrival of a British squadron at Rio de Janeiro, for the purpose of conveying the royal family to Lisbon. Under these circumstances, Melville has given orders for preparing a proper squadron for this service,—and it will sail as soon as the necessary arrangements can be completed."

This letter, Sir, I received on the 28th of August, at Manchester, in my way from London to a distant part of the country,—from whence I had no thoughts of returning till the middle of September. My right hon. friend, now sitting near me, (Mr. Huskisson) was with me when I received it.—Now, the hypothesis of my accusers is, that the whole notion of the prince regent's return was a feint and a fraud on the part of the government, if not on mine. But, I ask of any candid man if he can believe,—I ask of any man living, if he will avow the belief,—that supposing a fraud to have been intended, it is likely that such a letter as this from lord Liverpool, written in the unguarded style of private friendship, and addressed (as any gentleman who would take the trouble to look at it would see that it is) with the usual formulary of the most familiar correspondence,—should have been one of the documents *got up* for such a purpose? Is it likely, that of two men, known to each other by nearly thirty years of intimacy, one should practise such a delusion upon the other? Or, is it likely that two such men should carry hypocrisy so far as to provide beforehand for the support of a public fraud, by the contrivance of such a private communication.

This letter from lord Liverpool was founded upon that dispatch from lord Strangford to lord Castlereagh, of which I have already read the extract, and which appears at full length in the papers last laid upon the table. The extract was moved for at my desire,—the extract only—when I conceived that my justification alone was in question: the whole dispatch was afterwards moved for, also at my suggestion,—when I found that the government were suspected of having deceived me into a belief, for which they had no foundation. I will now take the liberty of reading the whole dispatch:—

"Rio de Janeiro, June 21, 1814, [Received August 26th, 1814.] My lord;—The glorious events which have given peace and independence to Europe, have revived in the mind of the prince of Brazil those eager desires to revisit his native country, which had been for a time suppressed. His royal highness has lately done me the honour to state his anxious hope, that Great Britain will facilitate the completion of his wishes upon this subject, and that he may return to Portugal under the same protection as that under which he left it. And his royal highness has, during the last week, intimated to me, four or five times, as well publicly as privately, that, in case Great Britain should send a squadron of ships of war to this place, for the purpose of escorting his royal highness to Europe, it would be particularly and personally gratifying to his royal highness that———·———should be selected for this service. I have the honour to be, &c. STRANGFORD.' The name of the officer is omitted from motives of delicacy. Sir John Beresford had been already appointed and announced to the court of Rio de Janeiro, before this dispatch was received).

Submit this document to any man in the habit of canvassing evidence, and ask him, whether there is any thing in it that could create a suspicion of the sincerity of the wish which it announces?—whether the government could reasonably doubt the authenticity of the intelligence conveyed in it, any more than I doubted the fidelity of the abstract of that intelligence transmitted to me by lord Liverpool?—A man might say, that he intended to go a journey,—and the fact of his entertaining that intention might, perhaps, not be considered as altogether established by the mere intimation of it: but, when he ordered his carriage to the door, and named the servants by whom he wished to be conducted, then, surely, one would consider him to be really in earnest.

This dispatch, however, I did not see till after my return to London in September. I was quite satisfied of the fact, as stated to me by lord Liverpool. Nothing is more easy than, when an event has, or has not, actually taken place, to find out that you ought to have foreseen how likely, or to have discovered how unlikely it was to happen. But who balances probabilities in this way, in the ordinary transactions of life? Who is the wise and happy man that receives every friendly communication with distrust; that calls for proofs of the most credible expectancies, and deems every occurrence problematical till it has actually occurred?—The prince regent of Portugal announced to the British cabinet his intention of returning; he requested that a squadron might be sent to escort him to Europe; he named the officer by whom he wished that squadron to be commanded:—yet ministers were to suspect that he entertained no intention of the kind!—For myself, I protest, that no shadow of doubt ever crossed my mind, as to the reality of this intention. Perhaps it may have been rash to believe: if so I must acknowledge my error. But when, in addition to such positive testimony, I considered how desirable it was, with a view to the interests of the Portugeuese monarchy, of this country, and of the world,—how essential to the complete restoration and tranquillity of that order of things which the French revolution had disjointed and broken up,—that Portugal, now sunk into a province, should resume her station among the states of Europe;—when I felt that no efforts of the British government ought to have been spared, and had reason to be assured that none had been spared, to induce that return,—I confess I know not on what I could have founded the smallest doubt that the return of the court of Portugal was really determined upon, and that this determination was upon the eve of execution.

It may be true, that there were, as has been asserted, at the precise period to which I am alluding, conflicting reports on this subject;—that merchants in Lisbon had received letters from their friends in Brazil, contradicting the opinion that the prince regent would return;—that there were rumours of opposition to the measure in the councils of Rio de Janeiro; and that persons, supposed to have access to correct intelligence, avowed the conviction that the court would remain in South America. If there were such reports, I knew nothing of them. But I fairly own that had they come distinctly to my knowledge, had I even been consulted as to the weight to be allowed to them, I should have considered the British minister's testimony as outweighing them all. I will tell the House why the testimony of lord Strangford would have had so powerful a weight with me on this subject. In 1807, at the time when the court of Portugal emigrated to the Brazils, I had the honour to fill the office now filled by my noble friend (lord Castlereagh). When the first intelligence of the intended emigration reached this country, there was then, also, an abundance of conflicting and contradictory reports; and I believe I may say that for several days I alone, in London,—alone perhaps with my colleagues,—was persuaded of the existence of that intention. At that time, I knew nothing of lord Strangford, except from his official correspondence: but that correspondence had inspired me with a full reliance upon the authenticity of his sources of information, and upon his knowledge of the prince regent's mind; and lord Strangford all along affirmed, that the prince regent intended to emigrate. The general persuasion at Lisbon was, that the court would not emigrate; even up to the very day, when,—as lord Strangford had predicted,—the prince actually embarked in the Tagus, and set sail for Brazil.

My belief, therefore, in the present instance was founded, first on positive information,—secondly, on the obvious desirableness of the return of the prince regent to Europe, and on the certainty that this country must have used all means of council and persuasion to ensure that event. I was persuaded both of the reality of the intention, and of the probability of its instant execution. Nothing, absolutely nothing, had come to my knowledge that could excite a reasonable distrust. But even had such distrust been excited in my mind by any rumour, or any testimony less than official, it would have been dispelled by the assurances of lord Strangford. Such was my belief, my credulity, if you will—but a credulity of which I have assigned the grounds,—a credulity which was assuredly not so fatuitous as to be fairly construed into crime.

I must, however, beg not to have it understood that my belief in the return of the prince regent at once determined my acceptance of the mission;—though it might have done so, for aught that I can see, without blame. Undoubtedly no earthly consideration would have induced me to accept it without an assurance as to that return: but it required a combination of other circumstances, with which I need not trouble the House, to induce me to go in an official character to Lisbon; and in fact my acceptance was not determined till after my return to town, late in September.

The government had stronger grounds for their belief than I had. They had before them the communications contained, or referred to, in the papers last submitted to the House:—letters, namely, from lord Strangford, of so early a date as February —and the autograph letter of the prince regent of Portugal to the Prince Regent of Great Britain, dated the 2nd of April. Of these I knew nothing till the other day, when the hon. gentleman's inquiries and denunciations led to an examination of the correspondence in the foreign office. This autograph letter disproves the notion of the hon. gentleman, that there was an interval between the month of February and the month of August in the communications respecting the prince regent's intended return. This letter fills up the supposed chasm in the correspondence. The reason why a copy of this document has not been laid before the House is, that —as many gentlemen who hear me must know—it is contrary to the etiquette observed towards sovereign princes so to make their letters public. The practice is for the secretary of state to refer to the substance of such letters in an official dispatch accompanying them, or acknowledging their receipt: and such a record of the letter in question is to be found in the dispatch from the secretary of state to lord Strangford, of the 25th of July. In that dispatch, this autograph letter is noticed as stating that the prince regent of Portugal only waited for intelligence of the final success of the allies, in order to determine his return to Europe.

But all this evidence, all this testimony, is, it seems, to be considered as fallacious, if not absolutely false, because there is a solemn, indubitable, irrefragable witness at variance with it—a paragraph in a newspaper of the 29th of July, which announced my actual appointment as ambassador to Portugal!—An appointment of the 29th of July could not be in consequence of information received on the 26th of August.—Clearly.—But events might be contemplated as probable before the 29th of July, which intelligence of the 26th of August might confirm: and a speculation might be founded upon those probabilities, contingent upon their fulfilment or non-fulfilment.—I do not affirm that some such speculation, founded on some such possible contingency, but absolutely dependent for its realization on the happening or not happening of that contingency, might not be afloat before the 29th of July. The dispatch of the 25th of July, (of which, however, any more than of the autograph letter alluded to in it, I had not any distinct knowledge till it was brought into notice the other day in consequence of the hon. gentleman's inquiries,)—the date, I say, of this dispatch renders it not improbable that it may have been about that time that a mission to Portugal began to be contemplated as probable. But that I was at that time, or near that time appointed,—that I then accepted such appointment, if offered to me, —or that it could then have been offered to me, if I had been willing to accept it, —I utterly deny. I deny here, Sir, in your presence, and in the presence of my country, that which has been assumed as established because I did not deny it when asserted in a newspaper.—Sir, I value as much as any man the liberty of the press; I acknowledge its utility, I bow to its power; in common with all public men, I listen to its suggestions, and receive its chastisements, with all due humility and thankfulness: but I will not plead at its bar! I will continue to treat with scorn the attacks of anonymous malice. I disdain to make any answer to such charges, whilst there is a House of Commons before which I can vindicate my character. This is the place where it is my right as well as my duty to plead, before a competent tribunal, and in the face of known and accountable accusers. And in behalf of all that is sacred and decent in private life, as well as in behalf of the honour of public men, I protest against the inference—

that he is to be held guilty of a charge, who resolutely declines to answer it at the bar of the daily press.

But the newspaper had, it seems, announced not only that I was appointed ambassador to Lisbon, but that my right hon. friend near me (Mr. Huskisson) was appointed surveyor of the woods and forests, and my right hon. friend (Mr. W. W. Pole) at the end of the bench, master of the Mint; both which nominations were immediately verified. It is very true that the latter office was shortly afterwards filled by my right hon. friend, who has discharged the duties of it with so much honour to himself, and advantage to the public: but I disclaim in the most peremptory terms any merit or influence of mine in that appointment. My right hon. friend near me, was, it is also true, appointed to the office of surveyor of woods, and undoubtedly not without my intervention. On the 30th of July I think it was that I moved the new writ for my right hon. friend. I moved that writ for the express purpose of showing that I approved, and was party to, the accession of my right hon. friend, and of other friends of mine, to the administration. And had I myself accepted office at that time, I should have been equally ready, nay anxious to avow it. At different periods of my political life, I have held, I have resigned, I have refused, and I have accepted office. And there is no occasion on which I have taken either of these courses, on which I am not perfectly prepared to vindicate (I will not say always the prudence, but I will say confidently) the purity and honourableness of my conduct.

I know, Sir, how difficult it is to speak plainly on subjects of this nature, without transgressing the decorum, if not the strict order, of our debates. But is it brought as an accusation against me, that, having no difference of opinion with the administration, I did not neglect an opportunity which presented itself of furnishing an accession of strength to that administration, which I wished to strengthen and uphold? Why ought I to have declined this? And by whom am I accused for not declining it? By those who consider the principle of party as a virtue, as a badge of distinction, and a pledge of purity, when predicated of themselves; but who are intolerant of any party, presuming to connect itself together, except under their banners. And, what is the bond of party? What are the boasted ties that connect the hon. gentleman on the other side of the House with each other? Fidelity in private friendship, as well as consistency in public principle. Their theory of party is a theory which they would confine exclusively to their own practice. One may become a satellite in their system, and welcome! but any eccentric planet, moving in another system, they view with jealous yet with scornful eyes, and denounce its course as baleful and destructive. To this exclusive doctrine I have never subscribed. To these pretensions I have never listened with submission. I have never deemed it reasonable that any confederacy of great names should monopolize to themselves, the whole patronage and authority of the state;—should constitute themselves, as it were, into a corporation—a bank for circulating the favours of the Crown and the suffrages of the people, and distributing them only to their own adherents. I cannot consent that the administration of the government of this free and enlightened country shall be considered as rightfully belonging to any peculiar circle of public men however powerful, or of families however preponderant; and though I cannot stand lower in the estimation of the hon. baronet than I do in my own, as to my own pretensions, I will (to use the language of a statesman so eminent that I cannot presume to quote his words without an apology), I will as long as I have the faculty to think and act for myself, "look those proud combinations in the face."—I plead guilty, then, to the charge, if it be one, of having treated with an administration, with the principles of which I perfectly agreed. I plead guilty to the charge, if it be one, of having on this, aye, and on other occasions, postponed my own interest to that of my friends. If, indeed, the charge could be turned the other way, if occupied exclusively with any personal objects of my own, it could be said that I had neglected the claims, the interests, or the feelings of any individual connected with me in political life, I should indeed hear that charge with sensations very different from those which I now experience; then, indeed, should I hide my head with shame.

When I moved the writ of my right hon. friend, on the 30th of July, I declare, upon my honour, that I thought it very doubtful whether I should myself have any official connexion whatever with the government. I do not mean to say, that the question had not been mooted, as to my undertaking the mission to Portugal, if it should turn out that such a mission was to be sent. But many circumstances might have prevented the result that did afterwards happen. I was not pledged—I was very far from having made up my own mind—to accept the mission if it should be offered to me; nor had the government as yet any assurance that they should have it to offer. I had previously made arrangements of my own. My plans were to go were I did go, but from different motives and with a different object. What that object and those motives were, I am not called upon, nor do I think it necessary, to state in this place. It is sufficient for me to say that I was master of my own actions, and that I chose to go. My intention was known to my private friends, and had been communicated to my constituents two months before the close of the session.

The first official tender of the mission was made to me by my noble friend, the secretary for foreign affairs, I think about the end of the first week of August: I cannot be positive as to the day; but I recollect perfectly that I had but two interviews with my noble friend upon the subject, within a few days of each other, and that at the date of one of those interviews Mr. Sydenham had arrived in England. He arrived on or about the 8th of August. My noble friend was then on the eve of his departure for Vienna. His tender to me was altogether contingent and conditional. The way in which the matter was left, was this; that if the certainty of the prince regent of Portugal's immediate return should be established, I should hear from him (or, in his absence, from lord Liverpool) again. I did hear again, in the manner that I have stated: but, in proof that I had not, in the mean time, acted on the presumption that I should go out in an official character, I can appeal to some of the members of the board of admiralty, who sit near me, that I was, so late as in the month of September a supplicant at the admiralty, as a private person, for a ship to convey me and my family to Lisbon; and when I arrived in Portugal, I found a house provided for me, as a private person, through the kindness of a friend, a house in the neighbourhood of Lisbon, which, in my official character, I could not occupy.

But all this, it may be said, was but contrivance, an artificial chain of circumstances forged and linked together, with a view to the present discussion. Has such an imputation the colour of probability? What I have now stated both as to facts and motives is the truth. If any man shall contradict this statement, I can only say that he will affirm that which is not true. Where a matter rests—and from its nature must rest solely—on the consciousness of an individual, there is no other answer (that I know of) to be given to an arbitrary contradiction. I speak this, I hope, without offence. But, on this part of my case, I know of no other possible answer.

I did believe then in the intention of the prince regent to return. The government believed in it. Their belief would have been ground enough for mine. But I have shown that they had good grounds for their belief. Further, it appears, from what has been stated by the gallant admiral behind me (sir John Beresford), in anticipation of a question which I might perhaps have taken the liberty to put to him, that not only had the royal family really entertained that intention, but that the disposition to carry it into execution survived the report of its abandonment; that he was repeatedly requested by the prince regent of Portugal to defer his departure from Rio de Janeiro from time to time, in hopes that the next arrivals from Europe might bring intelligence decisive of the voyage; and that it was not until the beginning of April that those hopes were finally relinquished, and the gallant admiral permitted to take his leave.

Contrary and contradictory rumours did, no doubt, continue to prevail on this subject, in London, as they certainly did in Lisbon. Even when I received at Lisbon, in the beginning of April 1815, the first intimation from England on which I founded my resignation, I was in possession of most positive assurances the other way; and on the very day on which I sent off my resignation, I had heard through what I might have considered as authentic channels, that the prince would certainly embark. The day was specified on which the embarkation was to take place; and we were to look for the first news of that event in the arrival of the squadron off the bar. But did I act on this information? Did I endeavour to shake any credit which the government at home might be disposed to give to their accounts from Rio de Janeiro? Did I contrast the rumours of Lisbon with the rumours of London, for the purpose of clinging to my office? No. It appears, from the papers on the table, that upon the 29th of March the information of the prince regent's abandonment of his design was received here in an official shape. Probably this official information must have been preceded some days by private intelligence. The intimation which reached me on the 9th of April certainly was not official; I did not wait however for its official confirmation: on the 10th of April, I wrote and sent off by an express packet the following dispatch to the foreign office:

"By the mails which came in yesterday, I learn (though not officially), that the accounts received in England from Rio de Janeiro, since admiral sir John Beresford's arrival there, create a doubt of the prince regent of Portugal's present intention to return to his European dominions.—Nothing has been received here from the Brazils, which indicates any such change in his royal highness's intention. But should any impediments have been interposed to delay the execution of it, until the intelligence of the late astonishing and afflicting revolution in the state of Europe shall reach Rio de Janeiro, it is possible that the receipt of that intelligence may determine his royal highness to remain there for the present. In that case, or in the event of your lordship's receiving such positive accounts, as satisfy your lordship's mind that such a determination has been taken by the prince regent of Portugal, I have to request your lordship, to lay at the feet of his royal highness the Prince Regent my humble resignation of the commission with which he was graciously pleased to honour me, in contemplation of the prince regent of Portugal's return."

So much for the first head of the charge against me, and against the government. I have shown, I hope to the satisfaction of the House, that we did believe in the return of the court of Portugal to Europe; that we had good grounds for that belief; and that, upon that belief exclusively, any mission to Lisbon was founded.

Remains to be considered, whether upon that ground, such a mission was necessary or justifiable. And this question again divides itself into two heads; first, whether necessary at all; secondly (if admitted to be necessary), whether conducted on a scale of disproportionate expense, disproportionate either to the unavoidable expenditure of the mission, or to its political importance.

In the first of these questions—was an embassy to Lisbon necessary, in the event of the prince regent's return? is involved another more personal question, from which I must not shrink:—namely—was there any unfitness in the offer of that mission to me, or in my acceptance of it? I feel all the difficulty of arguing this point in a manner at once satisfactory to the House and not unjust to myself. It is distasteful and revolting to one's feelings to be obliged to speak of one's-self, and of one's own fitness for any situation, or any undertaking. But it will be remembered, that I am upon my trial, that I am defending myself against a criminal charge; and if in such a defence something like egotism should be unavoidable, I hope the House will have the goodness to excuse it.

Sir, to place this question in its true point of view, I must once more go back to the year 1807. I have said that when in that year the royal family of Portugal adopted the resolution of emigrating to the Brazils, I had the honour to hold the seals of the foreign office. I had thus an opportunity of becoming acquainted with the wishes of the prince regent of Portugal in favour of lord Strangford, who had been employed to advise and to urge that splendid and magnanimous emigration. It was my duty to report these wishes, and to recommend the services of lord Strangford to the consideration of my royal master. The result was, that his lordship was appointed envoy extraordinary and minister plenipotentiary; was invested with a red ribbon; and might also have received an advance in the peerage—which (for reasons nothing to the purpose of this night's discussion) he declined. There was, however, another point respecting which the court of Portugal was extremely solicitous, a reciprocation of missions of the highest rank, and this point, from the period of which I am speaking to the last moment at which I held the seals of office, the Portuguese minister never lost an opportunity of pressing upon my attention. It has been said, by shrewd observers of domestic politics, that when once a coronet gets into a man's head there is no driving it out again; and I believe it may be as justly said, that when once a court takes up the notion of reciprocation of embassies, it is no easy matter to get the better of it. Such a notion reproduces itself on every occasion. A secretary of state is sure to be assailed with repeated solicitation till the favourite measure is accomplished.

To this application I at that time did

not listen. And I believe I reconciled the court of Portugal to the refusal of it, by showing that it could not then be granted in the person of lord Strangford; whose diplomatic standing would not admit of such an advancement, having been already so recently raised from the station of chargé d'affaires. I promised, however, that on the occurrence of any signal event which might constitute a proper occasion for an embassy (and the two possible events in contemplation were either the final establishment of the Portuguese court at the Brazils, should the cause of Europe be lost, or, what was then a distant, though never with me a hopeless prospect —its restoration to Europe on a successful termination of the war), I would recommend to my sovereign, should I be then in office, a compliance with the wishes of the court of Portugal.

Long after I quitted office, and more than once or twice, or three times, I was appealed to for the truth of the assertion, that such a promise had been given; not that any engagement of mine could be binding on my successors. At last—I believe in 1811—without waiting for these long-coming events, the Portuguese minister here assumed the character of ambassador. The reciprocation was declined. Much discussion, it seems, followed during the three succeeding years upon the refusal to name an ambassador at the court of Brazil: and I perfectly remember, that in one of the conversations which I had with my noble friend, the secretary for foreign affairs, he reminded me of the circumstances which I have here recapitulated, and observed " we shall, besides, thus have the long-disputed point of a reciprocation of embassies settled, and your pledge to the court of Portugal redeemed in your own person."

If it is supposed by hon. gentlemen, that the aggregate allowances of the mission were necessarily increased by giving the name and rank of ambassador, instead of that of envoy extraordinary, to my appointment, I assure them they are mistaken.—The question of expense I reserve for separate consideration; but as it here mixes itself with the question of the rank of the mission, I am compelled shortly to advert to it, a little before its time. There are (or were before the regulation of 1815), two different scales of ambassadorial allowances; the higher scale with a salary of 11,000*l.* a year, and the other, on what is called the old salary of 8,200*l.* The difference between these two salaries is nearly the same as the difference between the lower of them and that of an envoy extraordinary and minister plenipotentiary,—which is 5,200*l.* Now, Sir, a man who coveted an embassy for the sake of emolument would hardly fail, once ambassador, to choose the higher scale of salary. I choose the lower. But I do not claim any merit from this preference. For as neither 5,200*l.* (the salary of envoy extraordinary), nor 8,200*l.* (the salary of ambassador on the old scale), nor even the higher salary of 11,000*l.* reduced by deductions at home and abroad, was expected to cover all the expenses of the mission, without an addition of extraordinaries (as I shall presently show) it became indifferent in that point of view, what should be the nominal rank of the mission.

But it was not indifferent in other respects, I flatter myself, that I shall not be suspected of the idle and stupid vanity of caring under what name I did the public business. I believe, however, that it will be generally acknowledged, that having once—with however little pretension to so high a station—filled that office which presides over the diplomacy of the country, I could not consistently assume any other than the highest diplomatic rank,—that which alone represents the sovereign, —in any mission on which I should happen to be employed. Much less could I have done so with propriety on a mission to the court of Portugal, with which I had as secretary of state, engaged for those exertions, and (sanguinely perhaps, but—as it has turned out—safely) anticipated those results, by which that court was now enabled, if it so thought fit, to accomplish its return to Europe.

But neither was the question of what might be individually becoming, the whole of this question. The character of ambassador, though it may make little difference here, where every negociation passes through responsible ministers, is by no means a matter of indifference in many foreign courts. The mere question of precedency, trifling as it may seem in itself, is not a thing of no moment, in diplomatic transactions. The facility of access to the person of the sovereign, without the intervention of a minister, perhaps hostile to our interests,—and the right of pre-audience of that sovereign himself,—are advantages of no inconsiderable moment in courts where the will of the sovereign is mainly the policy of the state.

But what good did I expect to achieve through these advantages? What was there for me to do? What did I expect to be able to do? First, it was not for me to judge of my own qualifications; it was for the government. I might entrench myself behind this answer. But in the spirit in which I am stating my argument, taking the defence of the government upon myself (as my noble friend has taken mine upon the government) I will not do so. I must again remind the House, that I speak of myself only because I am upon my trial. With the allowance belonging to that consideration I may be permitted to say—I think that there was good to be done; and I think that I had as fair means, and as probable a chance, as any other man, of doing it.

I pass by many obvious difficulties and embarrassments in the present state of the relations of the court of Portugal with other governments in Europe, which might have been avoided had that court returned. But there is one subject which seems to be comparatively forgotten at this moment, but which, in 1814 (the year of my appointment) was the theme of loud remonstrance and incessant reproach against the government,—as though they had been indifferent or lukewarm in their exertions upon it,—I mean the slave trade. I *did* hope to be able to effect something on this great and interesting subject. I cannot conceive a more favourable opportunity for this purpose than would have been afforded by the return of the prince regent to the kingdom of his ancestors: a kingdom saved, through the blessing of Providence upon the arms and counsels of this country. Of those counsels I had, from my official situation, been the humble instrument and organ: nor was it perhaps altogether an unreasonable presumption, to hope that the share which I had accidently had in them might have conciliated, even to so humble an individual as myself, something of kindness from the sovereign whose Crown and whose dominions had been thus preserved and restored to him. I say, therefore, Sir, I cannot conceive circumstances which would have afforded a better chance of making some impression on the mind of a prince naturally good,—naturally religious,—upon a matter in which his personal character was the best, perhaps the one, hope of success.

I can assure the hon. gentlemen, that of the instructions which I carried out with me, three-fourths were directed to this object. And, besides the instructions of my noble friend, the secretary of state, I had with me ample and most useful suggestions from an hon. friend of mine, whom I do not now see in his place (Mr. Wilberforce) which should not have lain idle in my desk. I hoped nothing, indeed, from the "oratory" which the hon. baronet is pleased (I suppose ironically) to attribute to me; but much from a good cause in zealous hands. I did believe—I do still believe, that had I had the opportunity of personal intercourse with the prince, I might have effected some good in this matter; and if it had pleased God that I should succeed in it, I should neither have thought the expenses of my mission ill employed, nor have felt any disparagement to myself in having undertaken it.

So much for the objects in contemplation at the commencement of the mission. But these objects were not attained.——True. And it is supposed, that not to have attained them was to me matter of great disappointment.—In one sense, undoubtedly it was so. I should have thought the settlement of the question of the slave trade with one of the peninsular powers, an object of importance not easily to be over-rated.—In another sense, I do assure the hon. baronet and the hon. gentleman, that I had not experienced one half of the satisfaction in accepting my office which I felt when I was permitted to resign it.

When after writing the letter of April the 10th, tendering my resignation, I yielded to the request of my noble friend, and consented to remain at my post so long as my services might be thought necessary, I must beg the House to observe, that the whole question of the mission had assumed an entirely new form. The war had broken out; and if there had not then been a minister of high diplomatic rank at Lisbon, it would have been absolutely necessary to appoint one. I failed, it is true, in the main object of my negociations during the war,—the obtaining the aid of a corpse of Portuguese troops to act with the allies in Flanders. But why did I fail? Precisely because that state of things existed in Portugal—because that form of local government remained there which it was the interest and the wish of this country to see altered. I failed because the sovereign himself was not at Lisbon:—an additional proof, if any had been wanting, of the adviseableness of that return which he had endeavoured to invite by every proper inducement,—an additional proof of the inconvenience of leaving one of the kingdoms of Europe with which Great Britain is most intimately allied,—under a delegated government; a government incapable, from the very nature of their trust and from the immensity of distance which separates them from their sovereign, of acting in all cases with the promptness and energy necessary for the glory of the absent sovereign, and for the welfare of his people.

Sir, I venture to hope that the House will feel that I have satisfactorily disposed of the first part of the question as to the embassy, and justified the nomination of a mission of that character, on the supposition (which I had before justified) of the prince regent of Portugal's return. I now proceed to the second part of that question,—the expense of the mission.

If there was no delusion in the cause assigned for the embassy,—if I have shown that it was necessary or highly expedient in the case supposed to exist,—it still remains to be inquired, whether or not it was conducted on too costly a scale. I must observe, however, again, that if the belief in the return of the prince and the expediency of an embassy to welcome him are not made out, one farthing of expenditure was too much; and if therefore, in the opinion of one honest and impartial man who has heard me, what I have stated appears to be founded in fraud or artifice, the question of pecuniary expense is at an end. On the other hand, if I have been so far successful, I am prepared to challenge a like decision on the issue now to be joined; and to demonstrate that the cost of this mission was not only not prodigal in proportion to its rank and character, but that it was economical, in comparison with any standard with which it can in fairness be compared.

The hon. baronet has quoted a dictum of sir Robert Walpole's that "every man has his price." I do not think this maxim true, of men;—I do not think it true that even every thing has its price. Things must be estimated, not merely by their intrinsic qualities, but by their relative fitness and value. There is no rule for judging absolutely what ought to be the cost of an embassy. There is no forming such an estimate *à priori*. Facts and experience are the only grounds on which you can safely or justly proceed.

I beg gentlemen then to look at the printed accounts of missions, in the years 1812, 1813, 1814; and I ask,—Who could tell, on going to Lisbon in the autumn of the latter year, what his expenses were likely to be? Who is there that having before him the expenditure of sir Charles Stuart, for the years 1812-13, and 1813-14, would have ventured upon such a mission, without coming to some understanding as to the extent of his expenditure, and as to the principles of its limitation?

I shall perhaps surprise the hon. baronet, when I confess that an application on the subject of extraordinaries was made by me to the government. But in what sense was this application made? Was it for latitude and indulgence? Was it that I might be put upon the same footing and allowed the same range, as my predecessor?—No, Sir; it was for strictness, for definition, for restraint.—In the beginning of October, I wrote a letter to my noble friend, lord Liverpool (my noble friend near me (lord Castlereagh), was then abroad), an extract of which, with their permission, I will now read to the House. The House will see that it was of as private and familiar a style, and as little destined for public citation, as that from lord Liverpool to me which I read to the House a short time ago:

"I have been looking over Stuart's extraordinaries, and they really frighten me. It may be very well for him, or any man not connected with politics, to draw thus at discretion;—but it would not do for me. For God's sake, limit me—to what you think right—I can form no judgment of the matter;—only limit me, so that I may have no responsibility."

This letter shows at least the *quo animo*, the disposition—with which I entered upon the subject. Is this the language of rapacity?—Is this a petition for large emolument and unbounded discretion? Or does it not rather indicate a cautious dislike of discretionary power, arising from a dread of responsibility, and an anticipation of injustice?—the former of which I am not ashamed of confessing I did feel;—the latter, I have at this moment, God knows, no reason to disavow.

Sir, in entering upon this most disagreeable discussion—disagreeable, because I must mention the names of honourable men in a way which may be liable to misconstruction, disagreeable, because I must speak (though but to repel them with scorn) of imputations with which I never thought my own name liable to be stained, I beg leave to preface what I have to say, by observing, that the name of sir Charles Stuart, or of any other person whom I may have occasion to mention in my defence, is brought forward by me most reluctantly. I have no choice. The necessity is forced upon me. The name of sir Charles Stuart I mention with the respect due to his talents and character. I consider him as one who has rendered eminent services to his country, and from whom his country may confidently look for such services hereafter. I believe him to be as free from pecuniary taint,—as I know myself to be. Large as his expenditure at Lisbon may appear, I am persuaded that it was at once justified and limited by the necessity of the case. It is to be borne in mind also that of the aggregate sums, which appear to have been expended by him, no small proportion was simply and absolutely loss upon the exchange and upon the conversion of English into Portuguese money. After these declarations, I proceed to state the expenditure of the Lisbon mission, as it stood in sir Charles Stuart's time; and the amount of his regular and extraordinary allowances.

For the year, from the 5th of April, 1812, to the 5th of April, 1813, sir Charles Stuart's extraordinaries appear to have been - - - - - - - - - £26,807
Salary - - - - - - - - - 5,200

Total - - - - - - - - £32,007

For the next year, from the 5th of April, 1813, to the 5th of April, 1814, the extraordinaries are stated at - £26,006
Salary - - - - - - - - 5,200

Total - - - - - - - - - £31,206

This was the conclusion of sir Charles Stuart's mission. These statements are all before the House. They are to be found in pages 30 and 31 of the report of the committee on the civil list, in June, 1815;—which report I wish that the hon. gentlemen opposite would have the goodness to take into their hands, as I shall have many occasions to refer to it.

Then comes a period which is particularly selected as a contrast to my expenditure;—namely, the half year, beginning the 5th of April, 1814 (the termination of sir Charles Stuart's mission), and ending the 10th of October, 1814, (the commencement of mine). Here my accusers take their grand position. This is the narrow isthmus between two rushing seas of expense, on which they plant their standard of economy!—I do not complain of them for doing so. I do not blame the hon. gentleman who brought forward this question, for moving for papers to illustrate this position. But what I do think I have some right to complain of is, that having obtained these documents, they have some how or other totally forgotton to notice their results. When it suited the hon. mover's purpose, he asked for the information; and when he got it, and found that it was not precisely what he wanted, it suited his purpose to abstain from any observation upon it. In this respect, he will excuse me if, instead of following his example, I endeavour to supply his omissions.

At sir Charles Stuart's departure from Lisbon, Mr. Casamajor, the secretary of legation, was apointed chargé d'affaires, receiving of course the regular salary belonging to these two appointments. As Mr. Casamajor's salary during this half year was nearly the same as his salary of secretary of embassy with me, and made but a trifling part of the expenses of either mission, I shall not take it into calculation. Not so, however, as to his extraordinary allowances; which during this economical half-year appear by the civil-list report, p. 32, as well as by Mr. Sydenham's testimony, to have amounted to upwards of 2,500*l.*

I am not exactly informed at what period between April and July Mr. Sydenham was named envoy extraordinary and minister plenipotentiary to the local government of Portugal. The first official despatch to him that I have seen is dated in July: but his nomination must have preceded that dispatch by some weeks. He had from the 5th of April the same salary as had been enjoyed by sir Charles Stuart. I speak here of the regular salary of 5,200*l.* a year,—not of extraordinary allowances. Mr. Sydenham arrived at Lisbon the end of the first week of July. He remained there until the 27th or 28th of that month, when he embarked for England, being obliged to quit his station suddenly on account of his health. These three weeks (or thereabouts) were the whole of Mr. Sydenham's residence at Lisbon; and for these he received (I am not blaming him, but I state the fact) two

quarters salary at the rate of 5,200*l.* a year—that is to say -	£2,600	0	0
he received also, for outfit,	1,500	0	0
he received for his journey to Lisbon - - - - - -	1,100	0	0
and lastly he received (at a subsequent period) for losses occasioned by his sudden relinquishment of the mission - - - -	2,000	0	0
In all	£7,200	0	0
Add to this sum, Mr. Casamajor's extraordinaries for the same period - - -	2,500	0	0
The result of cost to the public, for the half-year intervening between sir C. Stuart's mission and mine, is therefore - -	£9,700	0	0

This was the reformed period which is to put all past and future ministers to shame! This was the rigid scale of economy which I ought to have taken for my guide, and for departing from which I am arraigned before this House and the country! Yet hear how Mr. Sydenham describes Mr. Casamajor's way of life. "I find," (says Mr. Sydenham, in his letter to Mr. Hamilton of the 8th of July, written immediately upon his arrival at Lisbon). "I find that Mr. Casamajor has been living in a very quiet retired way, with no suite to feed and lodge; and by the examination of his books I perceive that he does not live on less than 100*l.* a week." Here was no establishment, no representation, no call for display of any kind; and yet the ordinary expenses of Mr. Casamajor's household, were 100*l.* a week, or at the rate of 5,200*l.* a year!

It is true,—at least I have heard and believe,—that during the three weeks that Mr. Sydenham passed at Lisbon he lived in Mr. Casamajor's House. But as to charge upon the public—Mr. Sydenham was then in the enjoyment of a yearly salary of 5,200*l.* which comes to exactly another 100*l.* a week. So that independently of the extraordinary allowances of Mr. Sydenham, for outfit, journey, and losses, the aggregate of the regular salary received by him, joined to the extraordinaries allowed to Mr. Casamajor for weekly expenditure,—for *victus* and *convictus*,—during the economical half year, was at the rate of upwards of 10,000*l.* a year.

There is not upon earth a more honourable mind than Mr. Casamajor's; and I had myself the opportunity of verifying the statement respecting his expenditure, by the inspection of his books, at his own particular desire. But I must take the liberty of reminding the House, that from the moment at which I arrived at Lisbon, Mr. Casamajor, then becoming secretary of embassy, became part of my family; and as such, lived at my table. From that time therefore *his* expenses (salary excepted) were involved in mine. Why, Sir, if I were to calculate by simple addition, or by the rule of three, I might say, that, according to what I have shown you,—on Mr. Sydenham's testimony as well as my own—*two* Casamajors ought to have eaten up my whole allowances, ordinary, and extraordinary. And, by the way, I had two Casamajors—for in addition to the gentleman of whom I have been speaking, and of whom I speak with every feeling of kindness and of respect, another gentleman, Mr. Croft, who was recommended to me by my noble friend as secretary for the Portuguese language, (and who had been with sir C. Stuart in the same capacity), lived with me as one of my family, during the whole period of my mission. I, of course, do not mean seriously to state that the increase of my expenses was in exact proportion to the number of persons whom I had to maintain. But I do mean seriously to show the different footing upon which Mr. Sydenham and Mr. Casamajor separately, or even Mr. Sydenham and Mr. Casamajor jointly—stood in respect to the claims upon their expenditure, from that in which I stood,—with all the accessary burthens, and all the unavoidable representation, of an embassy. With neither of the two gentlemen, whom I had the good fortune to have attached to me, Mr. Casamajor or Mr. Croft,—had I any personal acquaintance before my mission began. I learnt, during our official and domestic intercourse, to value and esteem them both. I am sorry to be forced to mention their names in connection with these miserable details; but I am driven to it by the unsparing coarseness of the attacks which have been made upon me, and by the foolish, fallacious, and dishonest contrast of my expenditure with that of Mr. Sydenham:—Mr. Sydenham's who, during his three weeks residence at Lisbon, was an inmate in the House of Mr. Casamajor,—and mine, who during the whole period of my mission, had the suite of an embassy to maintain!

And now, Sir, come we to the famous letter of letters, upon which it seems that the whole of the case against me is made to turn—the letter from the secretary of state to Mr. Sydenham, directing him to confine his expenditure within his regular allowances. Before this letter is made conclusive against me, I might perhaps contend that it should be shown that I was in some degree, if not party to it, cognizant of it. Upon my honour, I never saw it till after the hon. gentleman's first notice of his motion. I cannot say that I had never heard of it. I had heard, or perhaps seen in a newspaper, that some such letter had been written to Mr. Sydenham by my noble friend:—and I well remember that the same authority stated the rate of 5,000*l.* a year as that which covered all Mr. Sydenham's allowances. I have already shown the accuracy of that statement.

But I wave this plea: I acknowledge the authority of the letter;—and if the circumstances of Mr. Sydenham's situation and mine were the same,—and if the meaning of this letter was what has been attributed to it,—and if that meaning was enforced against Mr. Sydenham, or was not remonstrated against by him,—I will admit that notwithstanding my ignorance of the law I was bound by it, and am guilty of not conforming to it.

And, first, what was Mr. Sydenham's situation? That of envoy to the local government;—mine, that of ambassador to the sovereign. (With the propriety of the appointment we have in this part of the argument nothing to do). Secondly, What was the meaning of the letter?—My noble friend, the writer of it, has told you, that it did not mean the absolute exclusion of extraordinaries, which he held to be almost impossible; but it did mean to prescribe the discontinuance of that rate of expenditure which had brought, during the war, such heavy charge upon the public. The letter itself says,

"I cannot anticipate any public grounds for continuing the expenditure of his majesty's servants at Lisbon, on the scale on which it has been conducted during the continuance of the war in the Peninsula."—To be sure he could not. Who dreamt of an expenditure of upwards of 30,000*l.* a year in time of peace?—Lastly, the instructions which were given, were they executed? Did Mr. Sydenham think it practicable to conform to them? Did he receive them without a remonstrance, and act up to them with strictness and fidelity?—With fidelity, in the moral sense of the word, I have no doubt he would have acted up to them if he had remained at Lisbon; but have we no positive proof that he regarded the literal execution of them as impossible?

And here, Sir, again I feel myself called upon to guard against being supposed to mean any thing unkind in the reference which I am compelled to make to Mr. Sydenham. That gentleman is no more! He has closed a distinguished and honourable life, during which he endeared himself to his friends, and has left behind him an unspotted character. I implore of those who hear me, that if a word should escape me in the heat of argument, which can be thought to bear any colour of disrespect to Mr. Sydenham's memory, they will believe it to be wholly unintentional. I am the last man living who would wantonly throw a slur upon his reputation, or give a wound to the feelings of those who mourn his loss. I would most gladly have avoided any allusion to him: but his name has been made the vehicle for a foul calumny against my character; and the House will feel that not to me who repel an attack, but to those who have misused Mr. Sydenham's name for the purposes of attack upon me, is to be imputed the guilt of profaning (if it be profaned) the sanctity of the tomb.

The fact is, that while the mandate to Mr. Sydenham, directing him to confine his expenses within certain limits, was traversing the ocean in one direction, a remonstrance by anticipation against such a limitation was on its passage to the foreign office. Mr. Sydenham, I suppose, might have heard rumours of such intended restriction; he knew, from what he saw of Lisbon himself (in the amount of Mr. Casamajor's weekly bills), and from what he had heard of it from others, that a literal compliance with that restriction was impracticable; and, on the 8th of July, the very day (I believe) after his arrival at Lisbon, he thus addressed himself to Mr. Hamilton, the under secretary of state (for the information of my noble friend), in the letter from which I have already quoted an extract:—

"While the duke of Wellington was at Madrid, he spoke to me on the subject of my allowances at Lisbon, and he gave me the comfortable assurance of my being ruined, unless government allowed me something more than the usual salary, diminished by the usual deductions in England, and the loss of exchange. He promised to mention the subject to lord Castlereagh; and I have written to him to remind him of his promise.—I find that Mr. Casamajor has been living in a very quiet, retired way, with no suite to feed and lodge, and by the examination of his books, I perceive that he does not live on less than 100*l.* a week."

So far is printed. Further on, in the same letter, the extract of which now lies before me, he states that he "shall live with the greatest possible economy, but that what he cannot pay out of his allowances he shall trust to the government to pay for him."

Mr. Sydenham, as I have before observed, resided about three weeks in Lisbon, namely, from about the 7th or 8th to the 27th or 28th of July. I have already stated the allowances, regular and extraordinary, which he received during that period or on account of it—viz. 2,600*l.* salary, 1,500*l.* outfit, 1,100*l.* for the journey from Paris and Madrid to Lisbon.—All these sums are in the printed accounts of the civil list report; and therefore gentlemen might have known them without moving for papers: but I was not aware,—and I suppose they were not aware, till in an evil hour they brought it out by their own motion for papers,—of the sum of 2,000*l.* for losses, which makes up the aggregate of Mr. Sydenham's receipts on account of his half-year's mission, to 7,200*l.*

If it is said, that as this sum of 7,200*l.* includes outfit, and allowances for journey and for losses, it is not fairly to be stated as Mr. Sydenham's expenditure for half a year, I readily admit that it is not so: but then I must observe, that, on the same ground the aggregate of my allowances cannot be fairly stated as the expenditure of a year. The cost of outfit and plate in my case would not have been repeated another year; any more than that of outfit and allowances for journey and for losses would, in Mr. Sydenham's case, have been repeated in another half year. But it is quite fair—it is indeed absolutely necessary, since the contrast between Mr. Sydenham's half year and my year, has been so much insisted on,—to state as I have done, Mr. Sydenham's salary joined to Mr. Casamajor's extraordinaries for the same half year, as constituting the expenditure of the mission for that period. And it is fair to state the whole of Mr. Sydenham's receipts joined to Mr. Casamajor's extraordinaries, as the aggregate expense of that half year with which the aggregate of my receipts for a whole year is to be compared.

Whatever comments, therefore, gentlemen may think proper to make on my conduct in other respects, they will at least I think, abandon the contrast between Mr. Sydenham's mission and mine as to the rate of their respective cost to the public. This point, on which they relied so confidently, completely fails them. They may, if they will, continue to arraign my political sins; but, if comparison with the period of Mr. Sydenham's mission be a decisive test of economy, they must on that comparison absolve me from pecuniary transgression.

But, Sir, it is not on pecuniary matters only that they have guessed wrong as to me and Mr. Sydenham. They flattered themselves that they had another case against me on his account;—a case of hardship,—as if this valuable public servant had been displaced purposely to make way for me. It has been asserted that I superseded Mr. Sydenham. Sir, I did not supersede Mr. Sydenham. If the fact were so, I know not that it would constitute any charge against me. It would, I believe, be the first time that the undoubted right of the Crown to appoint and to change its foreign ministers has been made a matter of charge, or even of question, in parliament. But the fact is not so. Mr. Sydenham's mission was irretrievably at an end before mine began. He quitted Lisbon not only unrecalled, but without leave. He did this from necessity, on account of the impaired state of his health. He arrived in England (as I have already had occasion to say) on or about the 8th of August. From that day to the 10th of October he received in England his appointments as minister at Lisbon. Are the economists angry that he did not continue so to receive them longer?—He was neither then, nor at any subsequent period before his death (as I shall presently show, by a document founded on his own representations) in a state of health to admit of his resuming the Lisbon mission—or accepting any other. If he had happily been so, my noble friend will bear testimony not only to the fact, but to my knowledge of the fact, that another and more important employment was in contemplation for him.—So much for that charge.

I have in my hand a copy of the letter

from the foreign office to the treasury, which authorized the payment to Mr. Sydenham of that sum of 2,000*l.* for losses, which forms the last item in his account. I almost wonder, by-the-by, that I have not been told in distinct terms that this 2,000*l.* was given to Mr. Sydenham to reconcile him to my supersession of him. The House, if they will allow me to take the liberty of reading this letter to them, will see how that matter stands. I am ready to move for its being laid on the table, if they think it necessary. It is luckily the last document of the kind with which I shall have occasion to try their patience. It is as follows:

"Foreign office, Oct. 25, 1815. My lords;—Thomas Sydenham, esq. late his majesty's envoy extraordinary and minister plenipotentiary to the court of Lisbon, has represented to me the very great expense he was at in making preparations to undertake that mission, with a view to a permanent residence at Lisbon, and the great loss he sustained by the sudden disposal of his effects, &c. on his being obliged to relinquish that mission, on account of the dangerous state of his health after a residence of only a few months, whereby he has been a loser of considerably more than two thousand pounds, and is thereby involved in difficulties beyond the reach of his private fortune to satisfy." [There is a slight error of inadvertency here as to the period of Mr. Sydenham's actual residence at Lisbon—which was, as I have shewn, weeks only and not months. I now come to a passage to which I particularly wish to call the attention of the House.]—"Having considered this application, it has appeared to me, under the peculiar circumstances of the case, (Mr. Sydenham's state of health still preventing his being employed in the diplomatic service of his majesty), to be just and reasonable that Mr. Sydenham should receive a compensation on account of these losses. I am therefore to desire your lordships will be pleased to take the commands of his royal highness the Prince Regent, with regard to the issue of the sum of two thousand pounds, nett, to Mr. Sydenham, or his assigns, as a compensation for the losses above-stated."

Is this also a sham letter and a concerted fraud? Perhaps the date will help us to a solution of this question. It is dated the 25th October, 1815, that is to say, six months after I had tendered the resignation of my mission, and three months after my resignation had been accepted; a period, therefore, when, if Mr. Sydenham's health had been sufficiently restored to enable him to resume his station at Lisbon, there had been for three months no impediment whatever, and for six months no impediment on my part, to his resuming it. It was manifestly the hopelessness of his return to public life that weighed with the foreign office in writing this letter; to which I am happy to have had an opportunity of referring, both for the proof which it affords of good-natured and considerate disposition, and the just testimony which it bears to the merits and character of Mr. Sydenham. I had not the honour and the happiness of a personal acquaintance with Mr. Sydenham. I knew him only by reputation—by the report of common friends, whose report would of itself have been sufficient to ensure my belief of his good qualities; and by the exhibition of his talents in that memorable investigation which was carried on in a committee of this House upon the renewal of the East-India company's charter. In the course of that examination the gentlemen connected with India displayed a degree of ability and information, which perhaps could not have been matched, certainly not excelled, in any other service, or in any other country. Among these very able men Mr. Sydenham stood eminently distinguished, evincing a capacity for great affairs and a fitness for important employments, such as are rarely to be found even in more practised statesmen. If, therefore, I have been driven to say any thing of this gentleman (I hope I have not, I am sure I have not intended it) which may have appeared in any degree disrespectful or disparaging,—if I have been obliged to soil the name of a high-minded and liberal man with money, the blame (I repeat it) is not with me, but with those who forced Mr. Sydenham's name into this discussion.

I now, Sir, come to the details of the expenditure of my own mission, the account of which is among the papers upon the table. The hon. gentleman who made the motion, has had the goodness to compliment me on the minuteness and accuracy of my calculations. I understand the nature of the hon. gentleman's compliment; and I see that he has been taught thoroughly to understand the nature of the advantage which he has over me on this day. Undoubtedly any charge connected with money, places the accused in a dilemma of painful difficulty—a difficulty the more painful in proportion to the consciousness of his innocence, and to the warmth of his indignation. If he contents himself, as is the first natural impulse of every honourable mind, with general and lofty denial, he exposes himself to be triumphed over as having evaded investigation; and figures are then invoked as the only test of truth. If, on the other hand, he condescends to detailed arithmetical calculation, he becomes liable to such compliments as those of the hon. gentleman; and must feel (as I do now) a certain inevitable degradation in the very process by which he is to be justified. It is certainly not without such pain that I made up my mind to this latter alternative.—Those who know me in private life are, I am afraid, too well aware how little I am versed in questions either of arithmetic or of economy, not to have been as much surprised as the hon. gentleman professes himself to be gratified at the proficiency in figures which is displayed in the papers before the House; particularly in that laboured dispatch of mine of the 30th of May, 1815.—In truth, I availed myself, for the purpose of those statements and calculations, of the aid of persons much more conversant with such matters than I can pretend to be. I beg the hon. gentleman also to understand that I do not profess, in these accounts, to state my whole expenditure at Lisbon, but only my expenditure of public money.

Sir, the expenditure of sir Charles Stuart's mission for the two years, 1812-13 and 1813-14, and that of the interval between the conclusion of sir Charles Stuart's mission and my appointment, can hardly be denied to justify the nominal amount of the allowances assigned to me. But that nominal amount and the real effective value were very different indeed. For my actual expenditure (as distinguished from nominal receipt—or rather nominal issue), a fair but strict standard of comparison is furnished by the report of the civil-list committee of June, 1815. If it shall appear that my whole actual expenditure as ambassador, tallied within a very trifle with the amount fixed by that committee and sanctioned by the House for a minister at Lisbon of the second order, I think it will not be imputed that I abused the discretion confided to me.

Assuredly I did not, on going out to Lisbon, anticipate the trial of this day; but I did, as has been seen, dread and deprecate any unlimited pecuniary discretion. It has been shown how anxious I was to have the limits of my expenditure defined; and within those limits, whatever they might be, I resolved to restrict myself.

My nominal allowances were, as I have said, and as appears from the papers upon the table,—

Salary	£.8,200
Extraordinaries, not to exceed	6,000
Total	£.14,200

Of this amount of extraordinaries I drew only for thee-fourths, or 4,500*l.* I received (like every other minister of whatever rank) the sum of 1,500*l.* for outfit. If that sum be taken as replacing the 1,500*l.* extraordinaries which I declined to draw, the result of salary, extraordinaries, and outfit for that one year (outfit could only be a charge on the first year), is, as above, 14,200*l.* I had plate, like other ambassadors and envoys extraordinary, &c. but upon the scale of an envoy.

Having no rule or experience to guide me, all that I could determine was, to consider the established recognized amount of the salary as the limit of my public expenditure; and to draw for no more extraordinaries than should make up the nominal salary of 8,200*l.* to that effective amount. Had therefore that salary been paid free from deductions at home, and without loss on the exchange and on the conversion into Portuguese money—I should not have drawn for one shilling of extraordinaries for my expenses at Lisbon. But the case was very different. This nominal salary was liable to deductions amounting to no less than about sixteen per cent. in England, which reduced it from 8,200*l.* to about 6,900*l.*; and this latter sum again to a loss of something more than twelve per cent. in its transit and conversion, reducing it from 6,900*l.* to somewhere between 6,100*l.* and 6,000*l.*

This statement applies to the first three quarters of the year, ending the 5th of July, 1815. In July, I received the report of the civil-list committee, to which I have so often had occasion to refer. From that time, therefore, I had—what I had always wished—a positive writtten public rule, not laid down indeed for my mission, but which I might safely take for my guide. By the civil-list report, the minister to Portugal was considered prospectively on the footing not of an ambassador, but of an envoy extraordinary and minister plenipotentiary. To that minister of the second order the report assigned a salary of 8,000*l.* a year. It further recommended that all sums for foreign missions should be paid free of all deductions except the property-tax; thus relieving the issues of salary from all the established legal defalcations at home, amounting to about six per cent., (in addition to the property-tax), and from all losses by exchange, or otherwise, in the transmission abroad. At the same time, the allowance for outfit,—which had been hitherto in all cases, and for all ranks, only 1,500*l.*—a sum which is stated by the report not to be sufficient to cover above one-third or one fourth of the real expense, was raised to 4,000*l.*; and an annual allowance of 500*l.* was given for house-rent. These several arrangements are to be found in pp. 47 and 48, of the civil-list report, to which I beg the gentlemen who do me the honour to watch what I am saying, to refer. Deducting 800*l.* the property-tax, from the salary of 8,000*l.* these issues to the new envoy would amount to 11,700*l.* nett for the first year; and to 7,700*l.* nett for every subsequent year.—And this exclusive of plate, for which the report makes a special provision.

When I received the copy of this report I instantly determined that, so long as the mission continued in my hands, I would limit myself strictly to the amount specified in it. For the last quarter, therefore (from July the 5th to October 10th, 1815), I conformed to the new scale of ordinary allowances, and received only 1,800*l.* nett, without any extraordinaries whatever. The exchange was now, in consequence of the termination of the war, become so favourable as in a great measure to counteract the loss upon the paper-money, which continued to be about 7 per cent, The result of this counteraction was, that the loss upon 1,800*l.* by the exchange and paper-money jointly, which three months before would have been about 220*l.*, was now only about 70*l.*

Of the 6,000*l.* extraordinaries which I had liberty to draw, I drew only for so much as was sufficient,—First to replace the deductions on 6,150*l.* being three quarters of nominal salary at the old rate of 8,200*l.* (gross), and on 1,800*l.* one quarter at the new rate of 7,200*l.* (nett); secondly, to make up the old allowance for outfit, viz. 1,500*l.* to the sum of 4,000*l.* specifically allowed by the committee.—And not one farthing more, so help me God!

So scrupulously did I adhere to these limits, (which seemed to me to have been formed on a clear principle, and which had the sanction of the House of Commons), that finding that my agent had drawn, for the last quarter, a sum of 1,500*l.* as extraordinaries (at the rate of the 6,000*l.* originally allowed to me), I directed him to return that sum to the treasury: and I declare, on my conscience, that when I gave this direction, I had no more expectation that the transaction would ever be known to any one except to my agent,—to my right hon. friend near me (Mr. Huskisson), whom I requested to see my direction executed—to my noble friend (lord Castlereagh), whose permission was necessary,—and to the treasury, to which the return was made,—I had no more expectation that I should ever have to state this transaction privately or publicly in vindication of my character,—than I had apprehension that on such grounds my character would ever be assailed.

It is undoubtedly still open to the hon. gentlemen who are the framers and supporters of the impeachment against me, to recur to the charge that the mission to Lisbon was unnecessary; to find fault, if they please, with my personal conduct in accepting it (of which a word by-and-by); and to censure the mode in which I may have discharged the duties of it; but as to pecuniary imputation, I stand upon a rock.—I stand upon the authority of a committee of this House, appointed long after my embassy was established and endowed; and not merely approving by retrospect the amount of its actual endowment: but recommending prospectively the same endowment for a mission of a lower character. Before that report was known to me,—with the power to go to a certain extent of expense, I restrained myself within that extent, to limits narrowed by my own sense of what was right. As soon as I had the authority of that report to guide me, I adhered to it voluntarily and strictly, living as an ambassador within the allowances assigned for an envoy. To other allegations of misconduct, political or prudential, I may be obnoxious;—but surely no fair adversary, after this exposition, will impute to my embassy either a wasteful prodigality on the part of the government, or a corrupt rapacity on mine.

I am afraid I have already wearied the House with figures: but there is another calculation, of which the result is so striking, that I cannot help requesting of the House to allow me to state it to them. Its elements are few, and the process short and simple. I particularly request attention to it from the right hon. gentleman who sits opposite to me (Mr. Tierney), whose skill in these matters peculiarly qualifies him to detect any error in the statement.

The report of the committee on the civil-list fixes the salary of the Lisbon envoy at 8,000*l.*, to be reduced by the deduction of the property-tax to 7,200*l.* This sum of 7,200*l.* was to be received nett at Lisbon, free from all other deductions at home and from loss by exchange and conversion abroad. Sir, I desired a person far better skilled in calculations than I am to make out for me how much must have been received nett from the treasury here, to produce 7,200*l.* nett, in Lisbon, during the year 1814-15?—The following is the statement of my arithmetician :—

The first addition to be made is that of the amount necessary to cover the average loss of something more than 12 per cent. by exchange and paper-money: this would be about .... £.980
which being added to 7,200

gives .... £.8,180

as the sum necessary to have been received nett in England, in order to produce 7,200*l.* nett in Lisbon.

But, again; how much would it have been necessary for the Treasury to issue gross to produce (on the footing on which my salary was issued) 8,180*l.* nett in England?—The deductions at the exchequer, I have shown, amounted to about 16 per cent., the property-tax included. The sum necessary to cover these deductions, would be about........................£.1,556
which, added to........................ 8,180

shows that the gross issue at the Treasury must have been about £.9,736
Add to this sum the allowance for outfit.................................. 4,000
Add the allowance for House-rent (to which by the way might be added 12 per cent. for loss on exchange, &c.)..................... 500
And the gross nominal issues at the treasury to meet the recommendation of the committee, for the first year of the new envoy,—must have been.....................£14,236

Does not the very sound of this sum carry conviction, and I could almost hope compunction, to the bosoms of my accusers? Does it not excite in the minds of all impartial men, an indignant recollection of the arts and the clamours, by which, during two years and a half, I have been stigmatized to the country as an instance of unexampled waste, as an insatiable pillager of the exchequer?

Sir, of the pecuniary charge I trust that I may here take my leave. After my own vindication however (which must on every account be nearest to my heart), I confess, I am most anxious to put the well-intentioned part of the nation on their guard against those exaggerations for mischievous purposes, by which public men are run down. If the result of this night shall warn them not to be too easily misled into the belief of monstrous and improbable corruptions, I cannot say that I shall not still regret the calumnies with which I have been overwhelmed, but I shall be in some degree rewarded and consoled for them.

I have thus disposed of the two main heads of accusation. I have shown that there was a sincere and well-grounded belief in the return of the prince regent of Portugal to Europe: and I have shown that the cost of the embassy appointed to receive him on his return was not only not extravagant, but that according to every test by which expenditure can be tried, whether of contrast with what had gone before, or of comparison with what has been deliberately established for the future, it was limited by a reasonable and scrupulous economy.

Some minor charges remain to be refuted. I am accused of having held the mission after all hope of executing the duty which I undertook to fulfil was abandoned. But, before I enter on this point, I am reminded that I am accused also of having assumed the mission too soon. It is said that I assumed it in October, although the prince of Brazil could not be expected in Europe for six months from that date. Now if there were any ground for supposing that the return was altogether a false pretence, the acceptance of the embassy sooner or later would be of no consequence; the acceptance of it at all was a crime. But if the prince regent of Portugal was to come to Europe, there was a fair probability that sir John Beresford might have landed him at Lisbon in February. Sir John Beresford sailed from

Portsmouth on the fifth of October. True, he was driven back to Plymouth after having been some days at sea. But, as to the length of the passage, he did reach the Brazils in seven weeks from the date of his last sailing (that too with a convoy under his protection); and it was not only no improbable expectation, but it was the belief of sir John Beresford himself, stated repeatedly to the prince regent of Portugal, that from five to six weeks would be sufficient for the voyage from Rio de Janeiro. It is true, that the hypothesis was, that the prince regent would be ready to embark, and would have made all the preparations necessary for his departure, between the period of his writing for a squadron and its arrival. Such in fact was our expectation; and upon that supposition (as I have said before) the arrival at Lisbon of the prince regent himself would have been the first intelligence that would have been received there of his departure from Rio de Janeiro. I sailed in the beginning of November. I landed at Lisbon (I think) on the first of the following month. I had no more doubt of the impatience of the Portuguese royal family to return to Europe than I have that I am now addressing this House. I consequently reckoned upon their arrival in Lisbon almost as soon after my own as I could conveniently be prepared to receive them. In the month of February, I well remember, we used to be looking out at Lisbon, at every favourable turn of the wind, for the arrival of sir John Beresford with his royal passengers, in the Tagus. The only period, therefore, during which I can be accused of receiving a salary without executing a public duty, is that between the date of my appointment and my sailing for Lisbon, a period of about three weeks. Surely this then is a charge of minute and petty captiousness. It is said that nature abhors a vacuum; and I believe it may be equally said that an exchequer quarter abhors a fraction. My salary was reckoned from the 10th of October, the quarter-day which preceded by about ten days my taking leave at Carlton-house; and which preceded my actual departure (as I have said) by about three weeks. Of the scores or hundreds of missions which have gone out from this country for the last century, I very much doubt whether one could be found whose allowances had begun to run from so short a period before its departure. If this, Sir, be not a sufficient defence on such a matter, I can only give myself up to the mercy of the House, with a frank expression of my regret that I was gazetted three weeks too soon.

As to retaining my office too long, I have already answered to this point incidentally, but I must briefly answer to it again here in its proper order. The first loose intimations of a doubt of the return of the prince regent to his European dominions arrived in England in the month of March. They reached me at Lisbon on the 9th of April. On the 10th of April I wrote to the foreign office, tendering my resignation. I was desired to continue in the exercise of my functions; and from that moment the mission entirely changed its character. I was no longer the pageant ambassador to a non-forthcoming sovereign. The war had broken out, with the ominous re-appearance of Buonaparté: and who was there in this country, or in Europe, that ventured to predict its speedy, its miraculous termination? Who could presume to say what might be its course; or what the extent of effort required to give effect to its operations? Henceforth, therefore, I filled, (whether worthily or not, is another question), a situation of business, at a not insignificant post, and at a most eventful crisis. If I had not been on the spot, another must have been appointed,—a minister of the second order, if you please, but even if so, with all the allowances and expenses incident to a minister of the second order at Lisbon, which I have already shown to be, according to the recommendation of the civil list report, substantially the same as mine. Henceforth, therefore, I did not add one farthing to the unavoidable expenses of the country. It may be alleged, that a more able individual might have been found to discharge the duties of the mission; and that I did wrong in continuing to do what others might have done better; but there is not a shadow of pretence for affirming that my continuance at Lisbon laid any burthen upon the public, or that any saving could have been effected by the acceptance of my resignation on the 10th of April.

It is obvious that in the refusal to accept my resignation, I was wholly passive; but neither does my noble friend require any justification for having recommended to the prince regent to decline accepting it. My noble friend is sufficiently justified by the case itself, and by his subsequent conduct. For no sooner was the battle of

Waterloo fought, and the war thus happily ended (almost as soon as begun), than my noble friend signified to me his royal highness's acceptance of the resignation which had been before declined. It is true, that it was not until three months after this notification that I was finally relieved from the mission. Amidst the important negociations in which my noble friend was then engaged, he appears to have forgotten that he had not appointed any one to receive the business and correspondence of the Lisbon mission, out of my hands. Portugal and myself had (no wonder) sunk into insignificance and oblivion; and up to the beginning of August, no successor to me was appointed. Did I think this a lucky chance? Did I go on quietly to enjoy the advantage of this oblivion? No. After about a month had elapsed without hearing any thing from the foreign office, I wrote to my noble friend, to remind him of my existence: and, apprehending him to be—as he in fact was—absent from England, I wrote by the same packet a private letter to lord Bathurst, begging leave, in case any difficulty should have occurred in the nomination of a successor, to recommend Mr. Croft (whom I have already mentioned as having been first introduced to me by my noble friend), as a person perfectly competent to act as chargé d'affaires; and offering, at the same time, the aid of my unofficial advice, so long as I should remain (which I intended to do through the winter) in Portugal. I desire to know if this conduct can be characterized as a clinging to my office?—or whether my pertinacity in adhering to it was more than exactly on a par with my eagerness in seeking it?

Perhaps, Sir, I might now sit down perfectly satisfied with having cleared the integrity of my conduct; and, perhaps, with a feeling rather of gratitude than of hostility towards those who, by manfully giving a distinct and substantive shape to their allegations, have afforded me an opportunity of refuting them. But I cannot pass by the taunts of the hon. baronet, and the grave admonitions of the hon. mover of the question, without assuring them, that so long as I possess in my own breast the consciousness of integrity, such assailments, whether taunting or monitory, will excite in it no emotion warmer than contempt. I must above all things assure the hon. baronet, that no attempt to impeach my character and to degrade me (as he flattered himself this proceeding might do) in that estimation with this House which constitutes all that is valuable and all that is efficient in a public man, no such attempt, I say, will cause me to lower my voice one key, or to abate one jot of my exertions, in opposing and exposing those doctrines of which the hon. baronet is the representative and the champion. Let not the hon. baronet flatter himself with any such result from this attack upon my reputation. Let him not flatter himself with the hope of such a result from his asperity to-night, or from his menaces for the future. If I am satisfied to have done right, for the peace of my own conscience, I am also glad to have made that right apparent, mainly because I know how necessary are the good opinion and the favouring attention of this House, to enable me to exert myself successfully for the defeat of those projects which the hon. baronet has at heart, and which, I verily believe, would bring this country to ruin. The hon. baronet has spoken out: and the only sentiment with which I am inspired by the bitterness of his declared enmity, and by the burst of his anticipated triumph, is that of a pride—I hope an honest and pardonable pride, at the proof which he has thus unintentionally afforded of the reasons to which I am indebted for his hostility. It is because I am held in hatred and in fear by those who share the hon. baronet's opinions, that by them I have been sought to be destroyed. I have been sought to be destroyed, because I have declared myself—(with what effect it becomes not me to say, but with all my heart and soul), against schemes, which if unchecked, would bring destruction upon those hallowed institutions by which the mixed and free government of this great kingdom is upholden, and from which the practical blessings of our constitution are derived.

Sir, I thus dismiss all that part of the charges which, if substantiated, would have established against me the guilt of criminality or of culpable misconduct. But I wish to leave nothing unnoticed, whether of charge or of insinuation,—whether conveying the imputation of positive guilt, or only implying discredit and disparagement.

It is made matter of accusation and reproach against me that I have accepted office with my noble friend who sits beside me (lord Castlereagh),—between whom and myself it is assumed that our former differences had placed an impassable barrier.—First,—from what quarter comes this reproach and accusation? From a bench, on which I do not see any two neighbours who have not differed from each other,—and that within short memory too,—much more essentially than myself and my noble friend. But it is insinuated that the differences between my noble friend and myself were of a sort which precluded reconciliation!—Since when have such matters become topics of parliamentary discussion? Since when has it been the practice of this House to take cognizance of the disagreements of individuals, and to indulge in such animadversions on the most delicate topics of personal conduct as in private society no gentleman would venture to hazard? Since when, I say, has this practice commenced? And how far is it to be carried?—I know of no precedent for it. I know of no authority.—It is not for my own sake, but for the sake of this House, that I protest against it; for, if this practice be permitted, our discussions must inevitably sink in to grosser personalities than have disgraced the meetings of Palace-yard and of Spa-fields.

The Hon. baronet is entirely mistaken as to what he supposes me to have addressed to my constituents at Liverpool in 1812. Nothing that I then said was intended to convey, or did convey, the notion that I was precluded by any feeling, or (in my own judgment) by any principle, from acting in office with my noble friend. I had declared the directly contrary opinion some months before, in a correspondence respecting the formation of an administration, which the discussions of those times brought before the public, and which is now upon record. What is not publicly recorded is, that some time after those discussions had closed, but six or eight weeks before my election at Liverpool, other negociations which had for their object my return to office, had taken place; amongst the proposed arrangements of which, my noble friend—with a manliness and generosity which I hope I felt as they deserved—had voluntarily tendered to my acceptance the seals of the office which he now holds. Other reasons induced me to decline that tender. I might be right or wrong in my view of those reasons. One among them was, that I was at that time embarrassed with respect to a most important question (the discussion of which is now fixed for no distant day) by pledges which I could best hope to redeem with unquestioned fidelity and honour, by remaining out of office till I had redeemed them. But what would be thought of me—what should I deserve to be thought of by any liberal mind—if, after such a transaction as I have described, I could ever pause for a moment, to consider in what order with respect to each other my noble friend and I should march towards our common objects in the service of the country?—In that transaction, any feelings which had previously separated my noble friend and myself were buried for ever. The very memory of them was effaced from our minds:—nor can I compliment the good taste of those who would call them up from oblivion; surely not with the vain hope of exasperating differences anew, but with the purpose of making a reconcilement now of five years standing, a subject of suspicion, taunt, and obloquy.

What I have said, Sir, is, I hope, a sufficient comment upon the notable discovery that I accepted public employment not with, but under, my noble friend. This paltry distinction, I can assure those who are so vain of it, occasions me not the slightest uneasiness. When lord Pembroke went out to Vienna, and the marquis Wellesley to Spain, during (or under, if you will) my administration of the foreign department,—had I the ridiculous vanity to fancy that these distinguished noblemen acted under me, in any sense of degrading subordination? Or is it imagined that when the duke of Wellington undertook his mission to Paris, my noble friend, conceived that he was therefore entitled to claim a pre-eminence over the deliverer of Europe?—They know little, Sir, of the spirit of our constitution,—they are very ill acquainted with the duties that it imposes, and the privileges that it confers,—who are not aware, that in whatever station a man may be called upon to serve his sovereign and his country, there is among statesmen, co-operating honestly for the public good, a real substantive equality which no mere official arrangement can either create or destroy;—they—who are yet to learn, that in a free country like ours, it is for the man to dignify the office, not for the office to dignify the man.

Sir, I have now done. I have humbly to apologize to the House for having trespassed upon them so long, and to thank them for their indulgent attention. The manner in which I have been heard by the House, has been such as satisfies me that they justly and kindly considered how much I had at stake on this day. If I have succeeded (as my conscience tells me that I must have done), in refuting the charges brought against me, I have not spoken in vain; and you, Sir, will not regret having listened to me. If I have not succeeded,—if the House shall be of opinion that any stain remains upon my character,—then indeed, Sir, have I troubled you too long; but I have troubled you for the last time.

Mr. *Brougham* declared, that he was not one of those to whom the right hon. gentleman could have alluded, as hanging back in his accusation. The charge must have applied to some one, but he was at a loss to determine who was meant. His hon. friend who made the present motion had stated the accusation fully and fairly; he was answered by the noble lord opposite; what the noble lord had said was replied to by the hon. baronet. There was then a dead pause in the House—nothing being offered to be said on the other side. Was the accusation to be repeated without hearing any defence? Were the common forms of the House to be departed from on this occasion, and were he and his friends to be accused of want of candour for following the usual course recommended by common convenience and general experience? He did not hold back, and he was sure his hon. friends did not. If he now came forward, he did not bring any new charges; he would not state a tittle that had not previously been stated; and if he travelled out of the accusation, he begged he might be stopped. He would tell the right hon. gentleman that he was not his accuser; that he stood there in a different capacity. The accusation was already made; the defence had been heard, and he, with the House, was now to act as judges. The noble lord against whose administration this charge was principally directed, although the right hon. gentleman was deeply involved in it, began with a remark about suppressing one of the documents moved for. His hon. friend had brought no such charge, but merely alleged that it had been kept back till other papers, calculated to do away its effect, were brought forward with it. The hon. and learned gentleman here proved his allegation by different references to the date of the papers, and then addressed himself to the question. He observed, that the right hon. gentleman was anxious to separate the two questions of the return of the Prince Regent, and of the expenses of the embassy. He had no objection to this line of argument, and would show from dates, that there was not a shadow of pretence for this job, which was as barefaced a one as was ever exhibited to the animadversion of parliament. The blame of it was participated between the administration and the right hon. gentleman who benefitted by it. The charge, however, had been supposed to have been more extensively stated than was intended: it was never said that there was no intention expressed on the part of the prince regent of the Brazils to return to Europe: he and his friends charged them with appointing a minister at a time when there were no functions to be exercised. The charge admitted that there might be a mistake: on this mistake the job was founded: the mistake was pardoned, but the job was reprobated. It was by facts and by dates only that the question under debate ought to be decided, not by empty professions or noisy declamation, which, in the opinion of the world, would be of no more value than the wind of which they were made.

Referring, then, to the dispatch of lord Strangford to lord Castlereagh, dated the 20th of Feb. 1814, he found it stated, that hopes were entertained by the British minister that the Prince Regent was disposed to revisit his ancient dominions; but this intention would never be executed without the concurrence of the English government. It was added, subsequently, that any intimation of the wishes on the part of our government would probably be acceded to. We were thus left altogether to determine upon the time and the mode in which the return of the prince regent of Portugal should take place. The right hon. gentleman had pretended, that this return was an affair of the highest importance; that it was an event so desirable, as to justify all the expense and all the extraordinary proceedings which belonged to this transaction. But if it had been of such mighty interest to the concerns of Europe, ample time had been previously afforded between the downfall of Buonaparté's power in the Peninsula and the period of the right hon. gentleman's appointment. Not a word, however, of the return of the royal family was heard till the 25th of July, and then arose a question which was now to be determined upon stubborn dates on one side, and metaphor and verbosity on the other. During the three months previous to this period, although the noble lord opposite was all that time apprized of the probable return of the Portuguese court, as far as the dispatch of lord Strangford could create that expectation, it was never before thought of sending out an embassy extraordinary upon the mere possibility of such an event. Such an intention, if ever entertained, had hitherto lain dormant, and never appeared till it was wanted for private purposes or for cabinet arrangements. To show the temper in which the whole matter was conducted it might be of use to examine one of the pretexts upon which the whole defence of the case rested. It had been asserted, that the appointment of an ambassador-extraordinary was made, in one respect, for the purpose of gratifying the feelings of the Prince Regent; but it was worthy of observation, that whilst we complimented him with an ambassador whom he had never asked for, or evinced any desire to see, we refused him the favour of appointing the commodore whom he had expressly applied for, to command the convoy on his passage home. He believed this officer was sir Sidney Smith, [No, no, from the treasury-bench]; but, if he were mistaken in this, it was probably the officer who commanded the vessel in which his royal highness sailed from Europe to the Brazils. Why, if there was so much anxiety to gratify the personal feelings of his royal highness, was so slight a civility refused?

But he now came to a part of the question which had been wholly omitted by the noble lord, and but incidentally mentioned by the right hon. gentleman at the close of his justification; but upon which he would venture to say, that the judgment of the country would finally be formed: he meant whether any real necessity had existed for the appointment of the embassy, or whether it was not a mere pretence to suit the views and interests of individuals. Had there been any doubt, or even the smallest uncertainty, with regard to the occurrence of those circumstances which called for so extraordinary an appointment, it was the duty of the noble lord not to have precipitated the embassy; for, if delayed but a short time, the whole of this useless expense might have been saved to the country. The right hon. gentleman had argued as if it were absolutely necessary that an ambassador should be present on the occasion, if it had taken place; but if a chargé d'affaires had remained there a year and a half, he could see no great inconvenience in his remaining a week or a fortnight longer under the existing circumstances. He apprehended, however, that the fact was, the right hon. gentleman was going to Lisbon at any rate, and that if the appointment was longer deferred it would come too late to answer his purpose [Hear, hear!]. The court of France had taken a very different view of the intentions of the Portuguese court, and had sent their minister to Rio Janeiro; and he could conceive no reason for our pursuing a different course, except that it was necessary to put money into the pocket of an individual, as a means of settling certain political arrangements. He believed the French mission was subsequent to the British, but this was of little moment. In considering the amount of the right hon. gentleman's allowances, a great deal had been said as to the expenditure of Mr. Sydenham. He agreed entirely with all the praise which had been bestowed upon that lamented gentleman, and could have wished that the right hon. gentleman had not qualified his panegyric by certain expressions which could hardly be intended to do honour to his memory. Why did the right hon. gentleman endeavour to place the character he eulogized in an odious light, by ironically calling Mr. Sydenham "that prince of economists," or mock the reputation which he affected to have at heart? Mr. Sydenham had remonstrated against a two rigid system of retrenchment; he had told the noble lord that it was vain to attempt to cut so deeply; and therefore, if the right hon. gentleman had any censure to direct against an excess in the disposition to economy it was the noble lord, his present colleague, and not Mr. Sydenham, to whom it properly applied. The regular expenses of Mr. Sydenham had been distinctly limited to 5,200*l.*; and admitting the highest amount to which they had been swelled by an accidental addition of 2,000*l.* incurred through ill health, and 1,500*l.* of outfit, there was still a wide difference between the aggregate amount, and the sum of 18,000*l.* expended upon the mission of the right hon. gentleman. When the plain fact was before the House, that although the return of the Portuguese court was announced in April as a probable event, yet that an envoy was considered to be sufficient on the 18th of July following, it would not do for the noble lord and the right hon. gentleman to put themselves generally on the House for an acquittal, without any attempt to controvert the facts. The noble lord, on the 18th of July, thought of nothing but economy, and in this spirit wrote his dispatch to Mr. Sydenham, expressing the Prince Regent's commands that he should, under the altered circumstances of the country in which he resided, confine his expenses strictly within his ordinary allowances: but on the 25th a new light had broken in upon him, he now knew more of the right hon. gentleman, with whom for some years before his acquaintance had been but slight; and although he knew no more with regard to the return of the prince regent from the Brazils, he had ceased to preach upon economy. It was not till the 31st of October that it appeared by the dispatch of lord Bathurst, that a new view of the scale of expenditure necessary in Portugal was taken, and that it was discovered that a variety of charges were incident to a transition from a state of war to a state of general tranquillity. It did not appear at what particular moment this discovery, as to the necessity of a gradual transition, was made. What did all this evidence indicate, but that the whole was a pecuniary transaction, the direct end of which was the acquisition of money by one of the parties? The right hon. gentleman might tell them, that without a clear acquittal this should be the last time of his addressing them; but he would say that such an acquittal would shake his confidence in the verdict of any plain men upon a plain matter of fact. The House must decide whether this was or not a *bona fide* transaction, entered upon with no views but those of national advantage, originating in no private or personal considerations; or whether it was not exclusively the result of party schemes and cabinet arrangements; whether it was any other than a money-getting contrivance, whether the scale of expenditure which it created, great as it was, was not infinitely pitiful and miserable in comparison with the object which it was intended to serve; and whether the whole aim and end of the negociation had not been to make the country pay the price of the purchase of the right hon. gentleman's accession to the present administration.

To refer once more to the subject of Mr. Sydenham's expenses, he could not but notice the manner in which those expenses had been swelled to the amount of several thousands, for the short space of a fortnight. Never had he known a matter of fact so entirely distorted. He had received the usual appointments and outfit, when the sudden breaking down of his health impeded the full execution of his mission. It would be as fair to consider the 200*l*., which a wounded officer might draw during the six months he was confined by it, as a remuneration for a week's or a fortnight's service. Sir Charles Stuart, like all the other personages alluded to by the right hon. gentleman, though treated with professed respect, met with very little indulgence. But the right hon. gentleman could hardly forget that sir C. Stuart was not merely the resident minister of this country, but that he was a member of the Portuguese regency. He might as well have taken, as a scale for his own expenditure, the royal establishment at Rio Janeiro, or of Carlton-house. Whatever might be the judgment of the House on the whole of this combined transaction between the noble lord and the right hon. gentleman, he was convinced that no impartial man out of doors would regard it in any other light than as it had been described by a worthy baronet—that of a pecuniary and profitable party job [Hear, hear!].

Lord *Milton* thought the House and the country indebted to his hon. friend who had brought forward the present motion, because it was important that the characters of public men should be understood; and he did not think they would have been so well understood but for the discussion which had taken place. He was not ashamed to confess himself a party man; and to own, that he was not vain enough to suppose himself gifted with a wisdom superior to all other men. He had, however, endeavoured to bring to this question the most impartial disposition and judgment that he could command. He had listened attentively to all the different speeches which had been made; and the result was, that he could not conscientiously agree with his hon. friends in the vote of censure which they had proposed. Much as he rejoiced at the right hon. gentleman's acquittal, he felt great concern at the necessity of differing from his hon. and learned friends; but he could not forget that he had a higher duty to perform. He desired at the same time to say, that he could not acquit the right hon. gentleman of all blame, and that he thought the negociation between him and the noble lord, which led to his subsequent appointment to the Lisbon mission, not very creditable to either.

Mr. *Warre* supported the motion, and contended, that the mission was not at all necessary.

Mr. *Gordon* was of opinion, that the right hon. gentleman had completely cleared himself from all the charges that had been brought against him in a pecuniary point of view; and if it was necessary to send an ambassador to Lisbon, he could see no reason why the right hon. gentleman should not have been sent. It would, however, in his opinion, have been more consistent if government had sent their ambassador to the Brazils.

Mr. *Abercrombie* agreed that the right hon. gentleman could not be considered as a principal in the fault of this transaction. His vote in support of the motion would be given upon the ground that the embassy itself was not a necessary measure. If the prince regent had arrived, the appointment might have been justified; but, under all the circumstances, he could not but think that the appointment was premature.

Mr. *Sharp* was satisfied that the charge had been fully substantiated against the government, who had, it appeared, not only deceived the country, but the right hon. gentleman.

Mr. *Tierney* disclaimed all personal hostility against the right hon. gentleman, but maintained that, notwithstanding all the glosses in the right hon. gentleman's speech; no doubt would exist out of doors, whatever there might be within, that if there had been a vacancy in the cabinet at the time he was sent as an ambassador to Lisbon, no ambassador would have been sent. And yet if ever there was a coalition that ought to be distrusted, it was that which had taken place between the noble lord and the right hon. gentleman, the former difference between whom had arisen, not on any ground which time and circumstances might change, but because the right hon. gentleman thought the noble lord not wise enough for a cabinet minister, and the noble lord had other reasons for declining the right hon. gentleman as a coadjutor. He certainly regretted that the right hon. gentleman had so entangled himself in this affair. The public money had unquestionably been unnecessarily expended, for he was convinced no man believed that the appointment of an ambassador to Lisbon was necessary at the time the right hon. gentleman was sent thither. There would have been sufficient time for sending out the right hon. gentleman on his extraordinary mission, after it had been ascertained that the court of Portugal was to be re-established at Lisbon. But what reason had the noble lord to expect that such an event was to take place? He could state from his own personal knowledge a fact, which to his mind proved that the expectation was quite unfounded. It had been stated to him, by the Portuguese ambassador, the count de Funchal, that if his majesty's ministers had applied to him for information on the subject, he could have told them that the prince regent had no intention of returning to Europe. Thus it appeared, that if the noble lord had taken the trouble of making inquiries in the proper quarter, he would have been able to have saved the expense of the six months embassy with which the country had been so unfairly burthened. If there had been a necessity to send an ambassador at all, he should not have said a word on the subject. The right hon. gentleman, as he had already observed, was as well calculated for that office, generally speaking, as any other person who could be appointed to it. Something had, however, been said of the fancies of crowned heads, with respect to such missions, which did not tend so well to support this particular appointment. He believed, that if crowned heads were flattered by such attentions, they looked more to the rank than to the talents of the ambassador sent to them; and viewing the subject in that way, the right hon. gentleman certainly was not the fittest person that might have been chosen for this complimentary embassy to the court of Lisbon. In the comparison made on the other side between the expenses incurred by Mr. Sydenham's residence, and the mission of the right hon. gentleman, the whole expenses incurred by Mr. Sydenham had been charged upon the half year. This was not fair; but how would the case stand were the whole expense of the right hon. gentleman in salary, plate, outfit, and other expenses, to be put on the half year, with the additional consideration that it was an expense which ought not to have been incurred at all? in addition to the other expenses, a considerable loss was incurred by the rate of the exchange. He had that day sent to the city to inquire what the rate of exchange at Lisbon on London had been from July, 1814, to March, 1815; and he had learned that it was 68½, instead of 67, as had been stated. The loss, therefore, in the negotiation of paper was 14 per cent., and adding that to all the other charges, the expense of the half-year would be 11,000*l.* This would be the amount of the charge if he were to follow the example which had been set up, and put all the expenses on the half-year, as had been done with Mr. Sydenham's mission. But he should do no such thing. He would not argue so unfairly. It was sufficient for him to state, that when the right hon. gentleman was appointed ambassador to the court of Lisbon, he came into the possession of a salary of 14,000*l.* a year; that that salary, the 3,000*l.* for his plate, and all the other expenses of his outfit, were totally unnecessary, and formed a burthen most improperly imposed upon the country. The right hon. gentleman had made some very extraordinary flourishes, for which the noble lord was certainly much obliged to him. The noble lord seemed somehow or other to think that he had been accused of taking other people's money unfairly. The right hon. gentleman seeing his embarrassment, had, however, got up, and, in wishing to clear his friend of the character of the thief, acknowledged himself to be the receiver. He must say, however, that he had no intention of bringing against the right hon. gentleman the charge of peculation. There never was a country in which public men were more free from such an accusation than this; and in that respect he was free to confess, that he regarded the right hon. gentleman as perfectly clean-handed. But it would be paying the right hon. gentleman a compliment on the score of his possessing a degree of virtue and self-denial which fell to the lot of few, were he to suppose that he ought to have refused the emoluments which were pressed upon him; that he should have refused to listen to a person who told him he was a better judge of what his services merited than he could possibly be himself; and that he ought not to have a farthing less than 14,000*l.* a year, with 3,000*l.* for his plate and all the other expenses of his outfit. With respect to the relation between the noble lord and the right hon. gentleman, he had no doubt that it would soon return to its ancient state; that the noble lord would find himself gradually sinking below the minister for Lisbon, and that the minister for Lisbon would find himself gradually rising above the noble lord [a laugh]. On the whole, he felt that he should not do his duty to the country, if he did not heartily and cordially vote for the resolutions of his hon. friend.

Mr. *Lyttelton* did not think either the appointment by his majesty's ministers, or the acceptance of it by the right hon. gentleman, justifiable at the time it was made, and could not perceive any grounds on which it could be defended. He was farther of opinion, that considering the circumstances in which the right hon. gentleman stood towards the noble lord, the transaction was not one which was creditable to him.

Sir *James Mackintosh* was desirous of stating the precise grounds of his vote. He did not entirely agree with his hon. friend who had last spoken. He considered the resolutions as resolutions of censure on the appointment of the embassy to Lisbon, and not on the acceptance of that appointment. On that ground alone he voted for them; for he thought that the right hon. gentleman was bound to believe the representations which had been made to him of the necessity of the embassy. He did not conceive, however, that ministers were justified in the appointment, and he considered it a waste of the public money.

Mr. *Canning* said, that he would content himself by stating two facts on the present occasion: the one was, that he had not solicited a place in the cabinet at the time alluded to; and though he could not substantiate the fact by parliamentary evidence, he could yet satisfy any private gentleman, that so far from seeking a seat in the cabinet, no consideration would at the time have detained him in the country. As to the declaration of count Funchal, all he would say was, that that personage furnished sir J. Beresford with a list of the individuals who were likely to return to Europe with the prince regent of the Brazils.

Mr. *Cartwright* observed, that an hon. baronet had stated, that whenever this subject should be brought forward, he would apply to it the term "peculation." After the defence which the House had heard; after the full and satisfactory explanation of all the circumstances which had been given; he should have expected that common candour would have induced the hon. baronet to get up and disavow that epithet as far as possible. He must say that, after what had passed, he should think it very extraordinary if the hon. baronet persisted in that sentiment.

Sir *F. Burdett* said, that he had not used the term peculation in its common and gross sense; but as the appointment was the result of a political negociation between the parties for their own interests, he still regarded it as what he had already stated it to be, namely, a pecuniary job.

Sir *T. Acland* was confident that the candour of the hon. baronet would not permit him to hesitate in pronouncing the full acquittal of a person accused, whom he had discovered to be innocent. He did not know what the hon. baronet meant by his concluding words, in which he denominated the transaction under consideration a pecuniary job. He did not think that such terms could be fairly applied to it, after the defence which had been heard. After a speech so eloquent, which had thrilled through every heart in the House, he would have been proud to have been so accused, in order to have so defended himself.

Mr. *Lambton* rose to reply.—He observed, that it would be useless in him to detain them for any length of time, after they had so plainly manifested their desire to proceed to a division—it would be presumptuous in him to expect to succeed in dispelling the noise and clamour which had been prevailing from the conclusion of the right hon. gentleman's (Mr. Canning's) speech. He should, therefore, merely notice some misrepresentations which affected him personally. The right hon. gentleman had, for what purposes he knew not, grossly misrepresented him; when the right hon. gentleman stated that he had alluded to the personal differences which had existed between the right hon. gentleman and the noble lord (Castlereagh). He appealed to the House whether such was the fact. He had carefully avoided every thing which could convey the most remote allusion to that subject, in introducing his resolutions to the notice of the House.—He also thought it incumbent on him to notice what had fallen from some gentleman on his own side of the House. He begged leave to inform the noble lord (Milton) and the hon. member (Mr. Gordon) that, with every sense of the obligation they had so kindly conferred on him in disclaiming his motion, he could not accede to their mode of reasoning—their arguments had nothing whatever to do with the question. The question was, not whether the right hon. gentleman had justified himself in a pecuniary point of view, but whether the ministers had justified themselves from the accusation of having, by that appointment, imposed an unnecessary expense on the country.—That alone was the object of his motion, which his hon. friends seemed, whether purposely or not he could not tell, entirely to have forgot. In his opinion, nothing had passed during the debate—nothing had been urged against his motion either by the hon. gentleman opposite, or his hon. friends near him, which could induce him to change his opinion as to the propriety of the course he had pursued, and he should therefore call for a division.

The House divided:

For Mr. Lambton's motion... ..	96
Against it	270
Majority........——	174

List of the Minority.

Abercrombie, hon. J.
Archdale, M.
Atherley, Arthur
Aubrey, sir John
Baillie, J. E.
Bennet, hon. H. G.
Barnett, James
Barnard, visc.
Brougham, Henry
Byng, George
Butterworth, Jos.
Broadhurst, John
Browne, Dom.
Boughey, sir J. F.
Calcraft, John
Calvert, Charles
Campbell, lord J.
Campbell, gen. D.
Campbell, hon. J.
Carew, R. S.
Carter, John
Cavendish, hon. H.
Cavendish, hon. C.
Duncannon, visc.
Dundas, Charles
Ebrington, visc.
Fergusson, sir R. C.
Fitzgerald, lord W.
Foley, hon. A.
Foley, Thos.
Frankland, Robt.
Grant, J. P.
Harcourt, John
Hamilton, lord A.
Heathcote, sir G.
Heron, sir R.
Hughes, W. L.
Hornby, E.
Hill, lord A.
Jervoise, J. P.
Latouche, Robt.
Latouche, R. jun.
Lemon, sir Wm.
Lloyd, J. M.
Lyttelton, hon. W.
Leader, Wm.
Mackintosh, sir J.
Maitland, hon. A,
Markham, adm.
Martin, Henry
Martin, John
Matthew, hon. M.
Molyneux, H.
Monck, sir C.
Moore, Peter
Newport, sir John
Northey, Wm.
North, D.
Nugent, lord
Ord, Wm.
Osborne, lord F.
Ossulston, lord
Parnell, sir H.
Pierse, Henry
Philips, George
Power, Richard
Ponsonby, rt. hon. G.
Prittie, hon. F. A.
Pym, F.
Ramsden, J. C.
Rancliffe, lord
Ridley, sir M. W.
Romilly, sir S.
Rowley, sir Wm.
Russell, lord Wm.
Russell, lord G. W.
Russell, R. G.
Rashleigh, Wm.
Scudamore, R.
Sharp, Richard

Sefton, earl of
Smith, J.
Smith, G.
Smith, Wm.
Stanley, lord
Spiers, Arch.
Spencer, lord R.
Talbot, R. W.
Tierney, rt. hon. G.
Thompson, Thos.
Walpole, hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, E.
Wharton, John
Wilkins, Walter

TELLERS.

Burdett, Sir F.
Lambton, John G.

PAIRED OFF.

Cavendish, lord G.
Neville, hon. R.
Howorth, H.
Fitzroy, lord J.
Moseley, sir O.
Portman, E. B.

HOUSE OF COMMONS.

Wednesday, May 7.

EXPORTATION OF COTTON YARN.]—Sir *Oswald Mosely* said, he held in his hand a Petition from the merchants, factors, warehousemen and others in the city of London, engaged in the trade of Cotton piece goods. The petitioners stated, that their trade was at present in a dreadful state of depression. This was, no doubt, owing to a combination of causes; but one of the most important was the unrestricted exportation of cotton yarn. This, in the opinion of the petitioners, was giving an encouragement to foreign manufacturers at the expense of our own. He should have moved for a select committee to examine into this subject, but he was deterred from so doing, not because the petitioners could not prove their case to the satisfaction of any committee, but because the period of the session was so much advanced, that no report on the subject could be received before the prorogation of parliament.

The petition was brought up and read.

Mr. *Philips* said, it was necessary that a much more enlarged view should be taken of the subject, and that more liberal principles should be applied to its discussion, than had been laid down by his hon. friend. His hon. friend had stated, that in proportion as the exportation of cotton yarn had increased, the exportation of cotton piece goods had decreased, and that the increase of the one was the cause of the decrease of the other. It appeared from official returns that the importation of cotton wool, on an average of ten years, previous to 1814, amounted to 72,000,000 of pounds; whereas, on an average of the three years, ending in 1815, 1816 and 1817, it amounted to 95,000,000 of pounds, making a difference of 23,000,000 of pounds weight increase in the three last years, compared with the ten preceding years. The cotton yarn exported only amounted to 30,000,000 of pounds, leaving a difference of 60,000,000 of pounds weight, which must be absorbed in the cotton piece goods The observations in the petitions, and the remarks of his hon. friend, might lead the House to suppose that Great Britain had an exclusive possession of skill in the spinning of cotton yarn: but Great Britain possessed no such exclusive skill. Establishments for spinning cotton yarn existed in France, the Netherlands, Westphalia, Saxony, Silicia, Prussia, Austria, Bohemia and in other places. Had his hon. friend visited these countries, he would have found excellent yarn spun in their factories. The average nature of these factories was better than that of the factories of Great Britain. They were in possession of all our recent discoveries: the establishments were mostly directed by British spinners, and the machinery constructed by British mechanics. Great part of the nations of the continent had already either excluded cotton yarn, or loaded the importation of it with high duties. In Austria all yarns, but a small proportion of the very finest, were excluded. In Russia and Prussia the exportation was subject to a heavy duty. Under these circumstances, what other effect could be produced by the imposition of a duty on the exportation of yarn, but to shut it out altogether from the continent. A proposition more absurd than this never was uttered in any assembly. The great complaint on the continent was, that we were too much disposed to exercise an exclusive control over trade; and this led to jealousies on their part, attended with very serious detriment to our trade. He had little doubt that if the proposition of his hon. friend were adopted, it would lead to a bounty to cotton spinners, and an exclusion of British yarns. His hon. friend said it would lead to a temporary relief to the cotton weavers, and dealers in piece goods; but this he very much doubted. The fact was, that the sale of cotton yarn on the continent was at present nearly impossible. His hon. friend had said that the exporters of cotton yarn sold it on the continent cheaper than they did at home—how any person in his senses should incur all the risk and trouble of conveying his goods to a foreign market, and subject himself to the risk of bad debts for the sake of selling his goods at a lower price than he could obtain at home, he was at a loss to conceive. The average annual importation of cotton wool for 1792, 1793, and 1794, was not more than 26 millions of pounds weight; whereas, for 1814, 1815, and 1816, it was 95 millions. It might be said that this increase of trade was owing to the improvements made by the manufacturers of piece goods; but the fact was, that the whole increase was owing to the improvements made in the spinning machinery by Watts, Arkwright, and others. In this country the cotton spinners had great difficulties to contend with in the high taxes, and the high price of subsistence occasioned by high taxes. The rate of wages of cotton spinners on the continent was not half of what it was in this country. The hon. gentleman then went in to some details, to show that the opinion that the persons employed in the cotton factories in this country were in a miserable condition was totally unfounded, and that these persons were in general better off than persons engaged in other departments of our manufactures.

Lord *Stanley* thought restrictions on the exportation of cotton yarn would only excite expectations which he was afraid might prove illusory.

Ordered to lie on the table.

WRONGOUS IMPRISONMENT AT GLASGOW—PETITION OF JOHN MONTGOMERY, &c.] Sir *S. Romilly* said, he held in his hands a Petition, which he was desirous of bringing before the House when the hon. member for Glasgow was present. It was from a person of the name of John Montgomery, a weaver in Glasgow, and one of those taken up on the charge of seditious and treasonable practices. On the 23d of February last he was taken up on a warrant of the sheriff, his papers were seized, and he was conveyed to prison, and confined there in a small cell, six feet and a half by eleven, where he was left without food and subsistence for 28 hours. He was kept three days and two nights in confinement, and then brought before the sheriff depute, Mr. Robert Hamilton, for examination. He was a total stranger to all those matters, on account of which he had been arrested. He had attended no political meetings. On the conclusion of his examination, he was sent back again to his cell, and next day, without any further examination, dismissed. It was impossible for him, a total stranger, to answer to the truth of the facts conveyed in the petition; but he believed them to be true. He had received testimonials as to the character of the individual, signed by a great number of persons resident in Glasgow, and also a number of attestations of the truth of the statements. It was perfectly true that this petitioner, as well as every other person unjustly deprived of his liberty, was entitled to redress by the laws of his country. But notwithstanding the courts of law were open, still he thought the case of this petitioner was one which was peculiarly entitled to the attention of the House. The evidence of the charges against this man afforded no ground for detaining him, unless something could be extorted from him on his examination; for the moment he and Weir denied the charges brought forward against them, they were immediately discharged. There was not, in fact, the slightest evidence against them. If this conduct of the sheriff depute was authorized by the law as it at present stood, he implored them to consider what would have been the situation of the subjects of Scotland if the bill for the suspension of the Habeas Corpus act had passed into a law, in the manner in which it was originally framed.

The petition being read,

Mr. *Finlay* said, that, with respect to the treatment of the persons who had been apprehended at Glasgow, they had been accommodated with rooms as comfortable and convenient as could be procured; and as to the petitioner, the cell, as it was called, was better than the room from which he had been removed. Great humanity and attention had been shown by the magistrates to all the unfortunate persons, and he believed that they had even encouraged subscriptions for their families It was customary, however, in Scotland to issue a warrant for the apprehension of persons, without mentioning their christian names, or specifying their situation in life. If he were to go through all the statements contained in the petition, he was sure he could give a most satisfactory answer to every allegation. A more exaggerated account of privations had never been made, and he was surprised that any one could venture to make so unfounded a statement. He was fully convinced of the great humanity of the hon. and learned gentleman who presented the petition; but in this case he had certainly been misled, respecting the facts of the case.

Mr. *J. P. Grant* said, that having lately been at Glasgow, he felt it his duty to state the circumstances which had come to his knowledge. As to the exaggerations in the statement of the poor man Weir, he could only say that the man waited on him, and made the same statements as were in the petition, and from all the inquiries he made of others, he had reason to believe all the statements were founded in truth. He had waited on the lord provost, and desired to be informed if he might be allowed to examine into the circumstances of the case. He could not find any material circumstances misstated in the petition. He did not wish to throw any slur on the magistrates of Glasgow. The prison of Glasgow was well constructed, and even handsome, and the general management was correct. But he blamed them for this; that when so many persons were without accommodation from Sunday morning to the middle of Tuesday, during all that time no person from the magistrates visited the prison to see what accommodation could be obtained. It so happened, that the two persons who were discharged as soon as examined, were condemned to cells situated as described in the petition. He admitted that they were not damp in the degree which one of them stated; but they were on the ground floor, and cold and comfortless, and the prisoners were without any accommodation. After four days imprisonment they were examined by the sheriff, re-committed by him, and next day discharged without any further examination. As to the law of Scotland, if it were the law to take up persons without having their names distinctly stated, he could only say he never heard it before. But it was not the law of Scotland. The law of Scotland contained no such monstrous proposition.

Mr. *Bathurst* said, that the petitioner was arrested, as there was no other person in the neighbourhood of his description. In all such cases, however, application for redress should be made to the ordinary tribunals, and not to parliament. He was ready to show that all necessary accommodation had been afforded to the prisoner.

Ordered to lie on the table and be printed.

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND THE TWO SICILIES.] Lord Castlereagh presented by command of the Prince Regent the following Treaty:

TREATY of Commerce and Navigation, between his Britannic Majesty and his Majesty the King of the Two Sicilies, together with a separate and additional article thereunto annexed.

Art. 1. His Britannic Majesty consents that all the privileges and exemptions which his subjects, their commerce and shipping have enjoyed, and do enjoy, in the dominions, ports, and domains of his Sicilian Majesty, in virtue of the treaty of peace, and commerce concluded at Madrid the 10th (28th) of May, 1667, between Great Britain and Spain: of the treaties of commerce between the same powers, signed at Utrecht the 9th of December, 1713, and at Madrid the 13th of December, 1715: and of the convention concluded at Utrecht the 25th of February, 1712 (March 8, 1713), between Great Britain and the kingdom of Sicily, shall be abolished: and it is agreed upon in consequence, between their said Britannic and Sicilian Majesties, their heirs and successors, that the said privileges and exemptions, whether of persons or of flag and shipping, are and shall continue for ever abolished.

Art. 2. His Sicilian Majesty engages not to continue, nor hereafter to grant to the subjects of any other power whatever, the privileges and exemptions abolished by the present convention.

Art. 3. His Sicilian Majesty promises that the subjects of his Britannic Majesty shall not be subjected within his dominions to a more rigorous system of examination and search by the officers of customs, than that to which the subjects of his said Sicilian Majesty are liable.

Art. 4. His Majesty the king of the Two Sicilies promises that British commerce in general, and the British subjects who carry it on, shall be treated throughout his dominions upon the same footing as the most favoured nations, not only with respect to the persons and property of the said British subjects, but also with regard to every species of article in which they may traffic, and the taxes or other charges payable on the said articles, or on the shipping in which the importations shall be made.

Art. 5. With respect to the personal privileges to be enjoyed by the subjects of his Britannic Majesty in the kingdom of the Two Sicilies, his Sicilian Majesty promises that they shall have a free and undoubted right to travel, and to reside in the territories and dominions of his said Majesty, subject to the same precautions of police, which are practised towards the most favoured nations. They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, or will, and in any other way whatever, without the smallest loss or hindrance being given them on that head. They shall not be obliged to pay, under any pretence whatever, other taxes or rates than those which are paid or that hereafter may be paid by the most favoured nations in the dominions of his said Sicilian Majesty. They shall be exempt from all military service, whether by land or sea; their dwellings, warehouses, and every thing belonging or appertaining thereto for objects of commerce shall be respected. They shall not be subjected to any vexatious search or visits. No arbitrary examination or inspection of their books, papers, or accounts, shall be made the pretence of the supreme authority of the state, but these shall alone be executed by the legal sentence of the competent tribunals. His Sicilian Majesty engages on all these occasions to guarantee to the subjects of his Britannic Majesty who shall reside in his states and dominions, the preservation of their property and personal security, in the same manner as those are guaranteed to his subjects, and to all foreigners belonging to the most favoured and most highly privileged nations.

Art. 6. According to the tenor of the articles 1 and 2 of this treaty, his Sicilian Majesty engages not to declare null and void the privileges and exemptions which actually exist in favour of British commerce within his dominions, till the same day, and except by the same act, by which the privileges and exemptions, whatsoever they are, of all other nations, shall be declared null and void within the same.

Art. 7. His Sicilian Majesty's promises, from the date when the general abolition of the privileges, according to the articles 1, 2, and 6, shall take place, to make a reduction of 10 per cent. upon the amount of the duties payable according to the tariff in force the 1st of January, 1816, upon the total of the merchandise or productions of the United Kingdom of Great Britain and Ireland, her colonies, possessions, and dependencies, imported into the states of his said Sicilian Majesty, according to the tenor of article 4 of the present convention: it being understood that nothing in this article shall be construed to prevent the king of the Two Sicilies from granting, if he shall think proper, the same reduction of duty to other foreign nations.

Art. 8. The subjects of the Ionian islands shall, in consequence of their being actually under the immediate protection of his Britannic majesty, enjoy all the advantages which are granted to the commerce, and to the subjects of Great Britain by the present treaty, it being well understood that, to prevent all abuses, and to prove its identity, every Ionian vessel shall be furnished with a patent, signed by the lord high commissioner or his representative.

Art. 9. The present convention shall be ratified, and the ratifications thereof exchanged in London, within the space of six months, or sooner if possible. In witness whereof the respective plenipotentiaries have signed it, and thereunto affixed the seal of their arms.

Done at London, the 26th of September, 1816.

(L. S.) Castlereagh.
(L. S.) Castelcicala.

SEPARATE AND ADDITIONAL ARTICLE.

In order to avoid all doubt respecting the reduction upon the duties in favour of British commerce, which his Sicilian Majesty has promised in the 7th article of the convention, signed this day between his Britannic Majesty and his Sicilian Majesty, it is declared by this present, separate, and additional article, that by the concession of ten per cent. of diminution, it is understood, that in case the amount of the duty should be twenty per cent. upon the value of the merchandise, the effect of the reduction of ten per cent. is to reduce the duty from twenty to eighteen; and so for other cases in proportion. And that for the articles which are not taxed *ad valorem* in the tariff, the reduction of the duty shall be proportionate; that is to say, a deduction of a tenth part upon the amount of the sum payable shall be granted.

The present separate and additional article shall have the same force and validity as if it had been inserted, word for word, in the convention of this day—it shall be ratified, and the ratification thereof shall be exchanged at the same time.

In witness whereof, the respective plenipotentiaries have signed it, and have thereunto affixed the seal of their arms.

Done at London, the 26th of September, 1816.

(L. S.) CASTLEREAGH.
(L. S.) CASTELCICALA.

BREACH OF PRIVILEGE—THE REV. THOMAS THIRLWALL.] The order of the day having been read for the attendance of the Reverend T. Thirlwall, Mr. Bennet moved, that Mr. Thirlwall, be called in.

Mr. *Bathurst* said, that though he thought the committee of police had a right to complain of the expressions which the gentleman, who was called on to attend had made use of, it would be proper, before they proceeded further, to settle how far they might be disposed to proceed against the individual in question.

The *Speaker* said, it might be proper first to hear what the party had to say for himself; the House would then be able to decide on the whole question.

Mr. *Bathurst* said, that when so great a tenacity was shewn of the privileges of the House, that a person who in any publication made reflections on the proceedings of a committee was to be called to the bar, he wished to know how far the House was disposed to go, with regard to other reflections on the House!

Mr. *Wynn* rose to order. It had already been determined that the gentleman in question should be ordered to attend. When the House had heard what the individual had to say, any thing might with propriety be urged in his favour.

The *Speaker* said, that though it was an order of the day that the rev. Mr. Thirlwall do attend, yet, on the question that he be called in, it was competent for any member to make any further remarks.

Mr. *Bathurst* said, that though an order had been made for the attendance of the gentleman in question, it was competent for them to relax. What he wished to state was, that notwithstanding the attack upon the proceedings of the committee was censurable, there were other animadversions on the proceedings of other committees, and on the House itself, which had been passed over. He held an extract from a publication in his hand, respecting another committee:—"The aim and object of this committee of placemen is to find reasons, not for the reduction, but for the continuance and preservation of as much establishment, of as many places, and of as much idle and extravagant expense as possible." The House itself, or any member was at liberty to make remarks on the conduct of its committees; but when such animadversions were made out of the House on other committees, it was hardly just, if one case were brought before them, that others should be permitted to pass unnoticed. If, therefore, the House punished an individual for conduct of this description, it would be open to any gentleman to call for the censure of the House on others who made reflections on its proceedings or those of its committees, equally unjustifiable and unfounded.

Mr. *Wynn* said, he was sure he would be the last man in the House who would be wanting in support of the right hon. gentleman as to any case where the authority of the House or of any of its committees was reviled or impeached. But then it was to be considered that each case must rest on its own particular grounds; and that there could be nothing more injurious than, when any one case was brought forward, to say that there were such and such other libels against other committees, which were equally atrocious, and yet had not been punished. Certainly, he had often seen in the public prints attacks on the privileges of the House, which he regretted had been passed over by the House. But here was a case which impeached the authority of a committee while exercising one of the most important functions of the House, namely, its inquisitorial power. The charge made against the committee was that of gross partiality. It had been determined by the committee, that this attack upon it should be noticed to the House, and it was in his capacity of chairman of the committee, and not as coming forward to express his individual opinion, that the hon. gentleman brought forward the subject. The case therefore was this: One of the committees of the House called upon the House for protection of its privileges. This call was entered and recorded on the journals of the House. The libel was acknowledged by its author. His attendance was ordered by the House; and now, if he was not called to the bar, the House would virtually acknowledge that the imputation which he had cast upon the committee was well founded.

Mr. *Brougham* agreed that every case of breach of privilege should stand upon its own basis, and that no publication could be defended by a reference to others which a member might conceive to be of a more objectionable tendency. During the debates seven years ago, respecting a breach of privilege, in consequence of which the worthy member for Westminster had been committed to the Tower, he had differed from the majority of the House; he had held at that time in his hand publications of that very morning, which, with this aggravation, that a discussion was then pending, contained, not indeed remarks on the decisions of the House or its committees, but the most indecent and scurrilous libels on the parliamentary conduct of individual members, but it was then argued by the members to whom he had urged these publications, that no defence for one breach of privilege was to be drawn from others. Yet, though it was strictly no defence for Mr. Thirlwall, that many breaches of privilege have passed unnoticed, it was a most material consideration in settling what degree of animadversion should be inflicted on that individual. The feeling, that this infliction should be extremely light, was so general, that it was unnecessary to say a word more on that subject. As to the general notice which the right hon. gentleman had given to the House and the public of a new course of proceeding on the subject of privilege, he hoped that idea would be abandoned. A new course of dealing with the public press, unless greater licence prevailed than he saw any reason to apprehend, would be attended with the most serious mischief; and unless the House desired to descend from the high ground on which it had hitherto stood, by putting itself on the opinion of the country, it would never depart from the system which it had hitherto wisely pursued, and by which, the conduct of that House, as well as the conduct of the government, or that of any individual, were open to discussion within certain bounds chalked out by sound discretion. If public discussion respecting their proceedings transgressed all bounds, the House might at any time by making an example of the offender, declare that it should go no further. Hitherto they had lost nothing by abstaining from a too vigilant regard of the publication of remarks on its proceedings; the more they were scrutinized the less it might be found their reputation would suffer, and he dreaded a contrary course more than any blow against the House, except, indeed, one which would destroy their privileges, which might destroy their existence, and certainly would put an end to their practical utility—the cutting off what passed there from the knowledge of their constituents.

Lord *Castlereagh* said, that he never understood his right hon. friend to have uttered any thing in bar of the free communication between that House and the people. He had merely called the attention of the House to the general nature of the offence of which the individual stood charged, and had desired to know how far the House was prepared to go in the general repression of such offences. His right hon. friend had only intimated, that committees on one side of the House as well as another, might be treated with this sort of disrespect, and the chairman be compelled to undertake the painful duty of self-vindication. If the press was to be brought to entertain a proper respect for the privileges of parliament, he begged leave to remind the hon. gentlemen opposite, that the first suggestion for the rigorous exercise of authority for this purpose, did not commence on his side of the House.

Mr. *W. Smith* thought that nothing could be more fair or reasonable than what had been just laid down by the noble lord. It used formerly to be the practice of parliament, when the language of any individual in the House was commented upon out of doors, to call the person to account who censured it. But this privilege could not be acted upon now, when the debates were not confined to the walls of the House, but a portion of the House was set apart for the public [Cries of Order, order!]. He was aware he was quite out of order, but it was the shortest way of expressing what he meant.

The *Speaker* said, if the hon. gentleman was aware he was out of order, it was to be hoped he would avoid a repetition of the disorderly expression.

Mr. *W. Smith* went on, and described that what he meant was, that now when the debates of the House were circulated all over the kingdom, it could not be expected that the privileges of the House should be insisted upon with much severity, nor was it desirable that they should. On the other hand, he had always considered it to be a kind of duty in every member to withhold himself from the defence out of doors of any expressions he might have used within. On that duty he had acted strictly and *bona fide*. He thought they ought not to compromise the general privileges of the House for the sake of any individual; at the same time, as committees could only ascertain the truth from having parties examined before them, it was of importance to the country that those parties should be compelled to answer truly.

Sir. *S. Romilly* felt it necessary to explain the vote he had given on a former occasion, when the reverend gentleman was ordered to be called to the bar. He was astonished to hear an attempt to make this a party question, because the chairman of the committee, by whom it had been brought forward, sat on that side of the House. It arose out of a committee on the police, one point of which concerned the licensing of public-houses. Surely nothing could be more free from party politics than this. He had before differed from the majority of the House in cases in which they had thought proper to visit what they considered breaches of privilege. He had then thought it most improper to proceed against the animadversions on the proceedings of the House, on the same ground as he should have condemned proceedings against the authors of remarks on proceedings in courts of justice. If the present case had been of this description, he should never have voted that the individual should be called to the bar. But what was the case? The police committee had made no report, but had put the House in possession of evidence on which it might proceed. The gentleman in question had published a work to persuade the House not to proceed on the suggestion of the committee, complaining of its proceedings as being similar to the star chamber, the committees of the long parliament, and the revolutionary committees of public safety, and had sent a copy to every member. This was a case similar to that of a publication calculated to influence a jury. If that had not been the nature of the publication, he should not have concurred in passing the slightest censure on it.

Mr. *Ponsonby* considered nothing more injurious to the House than to adopt a very strict conduct as to publications which noticed their proceedings. He did not distinctly understand this offence, but he understood that Mr. Thirlwall had printed and published animadversions which tended to impeach the conduct of a committee of that House; and that the committee had in consequence sent for him to explain himself. He could not tell whether Mr. Thirlwall saw his error, and was disposed to apologize; but as he was ordered to attend at the bar, the question, he thought, could not now be got rid of. Certainly, it could not be done by saying that other libellous matter was published againt the proceedings or committees of the House. He must, therefore, be called in; and if he showed a disposition not to persevere, but rather to acknowledge an impropriety, he wished the lightest measures to be taken towards him. The whole liberty of this country depended on the public notoriety of the proceedings of the House of Commons. Any thing that might be done to impair it, would, in his opinion, be a greater blow to the public liberty than any other measure. For his own part, he would always rather submit to misrepresentation; than interfere in that House with public animadversions on any discussion he was concerned in. Unless the reverend gentleman shewed wilful obstinacy, he hoped the House would visit him lightly.

Mr. *Canning* had no wish to object to this gentleman's being called in. Nevertheless, he approved of his right hon. friend's course, in the present stage of the proceeding rather than in a later one; for in comparatively a new course of proceeding, the House ought, at its outset, to mark the manner in which they were generally prepared to act. As to the distinction attempted to be made between this case and other libels, he thought it to be without a shadow of foundation. How did the libel obstruct the course of justice in the sense that had been alluded to? It referred to the last year's proceeding of a committee which had completed its labours—[Cries of "No!"]. They had reported, and for that year, at least, their labours were completed. Under such circumstances Mr. Thirlwall published a book, intituled "A Vindication of the Magistrates, &c." This book was published early in the year, and before the committee was reinstituted. Their labours, then, could not be said to have been impeded, as they were not pending at the time. The report had been already delivered in, and was, *pro tanto*, a concluded transaction. Under these circumstances, this octavo volume was said to have a direct tendency to obstruct the course of justice—an octavo, of which hardly any body ever heard, and which could never have had the publicity of the commonest newspaper paragraph. This was the substratum that was to bear down the course of justice—a volume, which contained nothing but an idle desultory comment on a last year's report. The right hon. gentleman who spoke last had said, it were better that these things were lightly passed over; perhaps he concurred in this opinion, and that the House ought only exercise their privileges when their proceedings were interrupted In this case, he did not think that to be the fact, as the libel referred to the proceeding of a past committee.

Sir *J. Newport* thought, that no doubt could exist as to the peculiarly exceptionable character of the publication under discussion; for in that publication the writer stated, that "recollecting the conduct of the committee at the revolution, as well as that of the revolutionary committee in France, he would not submit to be tried by any inquisitions, star chambers, or committees." Such a reflection upon the conduct of the committee alluded to, it was impossible for the House to overlook, consistently with the respect which it owed to its own dignity, and to the character of its committee. He had as much regard as any man for the liberty of the press, but he would never consent to allow it to protest against the authority of that House, or to assimilate its practice to that of the star chamber or the inquisition.

Mr. *Bennet* rose to notice an observation of the noble lord, which he thought might as well have been spared. For it was a mistake to suppose that, in the conduct of the committee which was the object of the calumny under consideration, he was influenced by any political prejudice or feeling. On the contrary, indeed, he declined to avail himself of some information tendered to him with respect to an institution connected with the object of the committee, because he apprehended that to inquire into the conduct of that institution, might serve to give the proceedings of the committee rather too much of a political complexion. Then, as to the remarks of the noble lord, that the first attack upon the freedom of the press proceeded from that side of the House he protested against any such imputation, for he knew that it was totally inapplicable. But to revert to the motives attributed to himself and the committee in which he had the honour to preside. Against the charge of the noble lord, he could refer to the gentlemen who had witnessed his conduct in the committee, all of whom would, he hoped, testify that his demeanour was marked throughout the inquiry by a degree of mildness and by a temper very different indeed from that which the noble lord sought to introduce into this debate. To the aspersions which the writer alluded to had thought proper to cast upon his character, he would reply by the same reference. That writer had called upon him, and told him that he meant to write upon the report of the committee, and his answer was, that he was glad of it, wishing nothing more than a fair and full discussion of the merits of that report. To every question from this writer, he gave an answer as satisfactory as was in his power, assuring him that the only object of the committee was to ascertain what was the best course to pursue, with a view to cure the evils exposed in the report. He clearly saw that this writer visited him upon a voyage of discovery; yet he withheld from him no information in his power to grant. But the return which this writer made for the frankness of his communication was a direct attack upon his character. As the best defence against such an attack, he would again refer to the gentlemen who witnessed his conduct in the committee. To the testimony of these gentlemen he would appeal against the attack of this writer, as well as against the insinuation of the noble lord.

Lord *Castlereagh* disclaimed any intention of imputing partiality or political prejudice to the hon. gentleman, or to the committee alluded to. As to the report of the committee, he did not speak unfavourably of it, and he had read it throughout; and as to the writer under consideration, he really did not know him or his connexions. But he did observe, that the attempt to restrain the press from animadverting upon the proceedings of the House, originated on that side with which the hon. member was connected, although it was notorious that so much more provocation was offered in another quarter. But as the example was now given, he hoped the principle originated by the other side of the House would not be partially, but generally and justly acted upon.

Mr. *Barclay* bore ample testimony to the hon. member's fair and impartial conduct in the chair of that committee. Throughout the investigation that conduct was marked with the utmost liberality and candour, and in one instance in particular he had seen enough of it to be satisfied that the hon. gentleman had carefully banished from his thoughts the slightest political feeling, as connected with the inquiry before the committee.

The motion was agreed to, and Mr. Thirlwall being called in,

The *Speaker* stated to him, that he was charged with printing and publishing a book, reflecting upon the character of a committee of that House, and violating its privileges, and that after the passage complained of was read, what he had to offer in his own behalf would then be heard.

The passage complained of was then read. It will be found at p. 108.

Mr. *Thirlwall* then addressed the House to the following effect:—"I hope that this honourable House will do me the justice to believe, that it is with the deepest concern and regret that I find I have trespassed on its rights or privileges by any writings of mine. What I did write, I beg to assure the House, was not calculated readily to meet the public eye in the form in which it was shaped. The offensive passages occurred in a work written in very great haste, and solely intended to vindicate the character of the magistrates and my own from the obloquy cast on both by passages in that part of the report of a committee of this House, which detailed the evidence of witnesses necessarily examined before that honourable committee. If, in my ardent wishes in pursuit of this object, I was unfortunately carried out of the proper path of respect to this honourable House, I have to express my regret for so offending. It is now my anxious wish to express the regret I sincerely feel for my conduct towards this hon. House, and the hon. committee; and, trusting in the clemency of this hon. House, I venture to hope and petition, that its sentence, whatever it may be, will not be such as may degrade my character as a magistrate and a clergyman."

Mr. Thirlwall having withdrawn,

Mr. *Bennet* said, that he had no inclination to press for any severity upon this occasion; such a proceeding would indeed be totally inconsistent with his disposition and habits: but he thougt it necessary that the House should come to some resolution with respect to the publication alluded to.

Lord *Castlereagh* said, that though there could be no doubt that the writings of the rev. gentleman had amounted to a breach of privilege, yet he hoped the House would be satisfied with the apology that they had heard.

Mr. *Wynn* was of opinion that the rev. gentleman had done every thing that was in the power of man to do. He had expressed his contrition in terms at once manly and respectful; and this was all that could be wished for. He therefore thought that the slightest testimony of displeasure which the House could express towards him would be sufficient.

Mr. Bennet then moved, "That the rev. Thomas Thirlwall, by the said publication, has reflected upon the proceedings and authority of a committee of this House, and is thereby guilty of a high contempt of the authority of this House, and a breach of its privileges."

Mr. *Brougham* would not oppose the motion, but he was desirous of explaining the grounds of the vote he had given. Had this publication been stated nakedly to the House, without any reference to the insolent conduct of the author of it before the committee, he should have opposed the motion, and have resisted calling up Mr. Thirlwall.

Mr. *Shaw Lefevre* bore testimony to the upright conduct of the rev. gentleman as a magistrate, and considered he had already made all the atonement in his power for the offence he had committed.

Sir *T. Acland* expressed his entire concurrence in the lenient feeling of every gentleman in the House, and also in the manly and respectful conduct of the rev. gentleman. He must also bear testimony to the liberal conduct and ability of the hon. chairman of the committee, whose conduct throughout had been most conciliatory, and who had done nothing more on this occasion than what the dignity of the House rendered necessary.

The motion was agreed to. The House next resolved, "That the rev. Thomas Thirlwall be again called in, and that Mr. Speaker do communicate to him the said resolution, and, at the same time, acquaint him, that in consideration of the full acknowledgment of his error, and the contrition which he has this day expressed, the House is contented to proceed no further upon the matter of this complaint." Mr. Thirlwall was thereupon called in, and Mr. Speaker having communicated to him the said resolutions, he was directed to withdraw.

ALIEN PROPRIETORS OF BANK STOCK.]

Mr. *Grenfell* knew not whether the motion he was to submit to the House would be opposed, or upon what grounds it could be opposed; but he founded it on a paper which he held in his hand, published by order of the bank directors, and of perfect notoriety. It was an account of the number of the proprietors of bank stock, among whom there was no inconsiderable proportion of aliens. It was not of this that he had any intention to complain; but the profits of the directors being enormous, he thought it an aggravation that foreigners should pocket our money. The profits of the bank were at present extravagant; he would assert that they were undue and unnecessary: and, as his late lamented friend, Mr. Horner,—whose premature death was an irreparable loss to the country, had described it—"the result of extravagance and prodigality on the part of the government, and of rapacity on the part of the bank." The object of the first part of his motion was, to ascertain what proportion of these profits foreigners pocketed. It was true, the great part of these profits had their center among ourselves; but it was no satisfaction to the House, or to the country, that one noble lord among ourselves pocketed on the 23d of April last, no less a sum from these profits than 70,000*l.*—it was no satisfaction that another noble lord pocketed 60 or 70,000*l.* That a bonus of such an amount was pocketed by individuals among ourselves was not such a satisfaction, that it could not be felt as an aggravation that a considerable portion of those profits was exported from the kingdom, and went to enrich foreigners. He did not mean to go into the details of this subject on the present occasion, because he had on former occasions proved that from 250,000*l.* to 300,000*l.* was annually paid by the government, out of the taxes levied from the people, to the bank for managing the public money. He would venture to put it to the House whether that sum was not enormous and extravagant, and whether the proprietors of the bank would not be liberally paid, nay, overpaid by one half of that sum? 150,000*l.* therefore, would be annually saved, if justice and equity were regarded in those transactions. These bank proprietors had, during the last 12 years, had in their possession no less a sum of the public money than 11,000,000*l.*, and by means of this they had made annual profits of not less than from 5 to 600,000*l.*; yet annually were they paid nearly 300,000*l.* for the trouble of making those very profits! Since 1807, sums had been annually advanced by the bank, which were improperly called loans; for it was only the public money again restored to the public; and for those loans they received 280,000*l.* per annum. This immense sum they received for a trifling and insignificant service. It was very evident that this sum, therefore, could not be paid to them for merely acting as a bank: it was for other services and support of a different kind rendered to the right hon. gentleman. He would appeal to that House, whether, if a second bank were established, it would not willingly undertake the whole of this business for 20 or 25,000*l.* per annum. Thus, then, would a sum exceeding 400,000*l.* be saved to the public. At this moment it was a matter of the greatest and most anxious difficulty how to relieve the distresses of the country, and how to meet the demands of the state. A finance committee was now sitting; he hoped this subject would attract their attention. He trusted he should be called before that committee to give his evidence as a member of that house, or as a bank director; and if he were, he pledged himself to prove that upwards of 400,000*l.* could be annually saved of the public money. One other circumstance he would mention. In 1797, the bank was relieved from the necessity of paying in specie; there was, in consequence, a great addition to their circulation: their circulation, in fact, amounted to 16,000,000*l.* and consequently their annual profits were not less than 800,000*l.* This was a most enormous evil; yet of this evil it was an aggravation, that a considerable part of the proprietors were foreigners, living in foreign countries, and that a considerable part of the profits went out of this country. What the proportion in both these respects was, formed the subject of his motion. He therefore moved:—"That there be laid before this House, 1. an account of the number of the Proprietors of the Bank of England, on the 31st March 1817; distinguishing the number of aliens, from that of British subjects. 2. An account of the aggregate amount of the capital stock of the bank of England, standing in the names of British subjects, and of aliens, on the 31st March 1817; distinguishing the amount belonging to each of these two classes of proprietors respectively."

The *Chancellor of the Exchequer* could

not conceive what right that House had to call upon the bank to lay those accounts upon their table, any more than they had to call upon any mercantile house to lay its accounts before them. He objected too, to the policy of the proposal. It was the policy of this country to encourage foreigners to deposit their capitals among us. What other object could this proposal have than to ascertain and publish the names of all the foreigners who had money in our funds? This, he contended, would be a pernicious thing. Besides it could not be done; other persons held property in their name, so that the names of the proprietors could not be ascertained; but if it could be done, it would be highly injurious. The hon. gentleman had mentioned no reason for this motion. The amount of the bank profits was no reason: for if foreigners had their money in the bank, they must have their share of the profits; and besides, the profits had no relevant connexion either with the number of foreigners or their proportion of stock. If there was any fraud, the public were equally defrauded and injured by native stock-holders as by foreigners. There was in this respect no difference. He therefore considered the motion as unnecessary and improper in all its parts, and as such he hoped it would be resisted.

Mr. *Ponsonby* was satisfied there was not a gentleman in that House more attached to the interests of the country and the prosperity of its commerce than his hon. friend. He did not know the precise object he had in view by the present motion: yet knowing his zeal to serve the country, and the good he had already done, he could not with-hold his support. How many motions of his honourable friend had been opposed as dangerous to the interests of commerce, incompetent for that House, and even injurious to the character and prosperity of the country? and yet how many of those very motions were afterwards complied with, and found most beneficial. When he recollected this—when he had seen how much good he had done—when he considered that he had saved 90,000*l.* a year to the country, he was satisfied that he would found some salutary measure upon the documents he now moved for. At any rate it could not possibly do any injury.

Sir *J. Newport* said, that if he had not known that the chancellor of the exchequer was restrained by the directors of the bank from assenting to any proposition in that House, displeasing to themselves, he should be surprised at the opposition now offered by the right hon. gentleman to his hon. friend's motion; but his wonder ceased when he knew the restrictions the bank had imposed on his conduct. The motion, however, required no further information than what had been already given to the public, so that if any danger could thence result to the commerce of the country, it had been incurred already. Unless the House were resolved to exert its power, and release the chancellor of the exchequer from his dependance on the bank, no good could result to the public. The country was very much indebted to his hon. friend, who had effected more real service than all the finance committees who had sat for many years; to him must be attributed any relaxation on the part of the bank in its drafts on the public purse.

Mr. *Manning* said, he could have wished to have heard some parliamentary ground laid for the present motion, which he had not. He did not see any practical good that could result from it, while, on the contrary, it might do mischief, by creating an alarm in the minds of foreigners, as to any ulterior proceeding which the House might adopt. He objected to it upon the principle that they had no right to interfere; but, at the same time, he had no objection to state, that the proportion of profits derived by aliens was very inconsiderable.

Mr. *Grenfell*, in reply, stated, that the proportion of alien bank proprietors was one-tenth of the whole number. With respect to the profits enjoyed by the bank, the House was probably not aware, that, during the last twenty years, they had divided, in addition to 7 per cent. upon their capital, no less a sum than 25,000,000*l.* sterling, by bonuses, increase of dividends, and increase of capital. Those profits were exclusively derived from its transactions with government.

The motion was negatived.

Duration of Elections.] Mr. *Wynn* rose, pursuant to notice, to move, "That a committee be appointed to consider of the best means for shortening the Duration of Polls, and for the further regulation of Elections in Great Britain." Originally, no regulation whatever existed on this subject, and the sheriff might exercise his discretion in continuing the polls; and thence arose the practice of continuing them open for an hour after every person had ceased to vote. To remedy this inconvenience, a bill had been brought into parliament by a relative of his, limiting the duration of polls, in all cases, to 14 days; but although it had never been intended by this to continue a poll for the entire fortnight where no necessity existed, yet still it became the practice, and any candidate might protract the poll to the farthest period admitted by the law. Some regulations, he thought, might be applied to correct this inconvenience. The poll in London was limited to eight days, while the poll in the smallest borough in England might be protracted for fourteen days. He conceived that much benefit might be derived in county elections, by the subdivision of the county into hundreds, and having a booth appropriated to each hundred. Some alterations were also necessary in great towns. In Bristol, and other cities, there was but one place for polling. This system, it was said, was necessary, in order to prevent the same person from voting twice. But he thought this difficulty might be obviated, by the adoption of an alphabetical list. Persons, for instance, whose names commenced with the first four letters of the alphabet, might give their votes, at one booth; those whose names began with one of the four next letters, at another and so on throughout the alphabet. Some regulation ought also to be made with reference to the mode in which the land tax assessment was proved; which was necessary to enable persons to vote. He had heard, that, in Middlesex more good votes were lost, in consequence of trifling errors on this point, than bad ones were detected by adhering to the present system.

Mr. *W. Smith* seconded the motion, and instanced the practical good effects of such a measure by a reference to the custom of Norwich, where, though the number of voters amounted to five thousand, the election was terminated in a day and a half.

The motion was agreed to.

Case of Mary Ryan.] Sir *James Mackintosh* said, that, as the motion with which he should conclude would call for information that probably would not be refused, he should merely confine himself to moving for it, if it were not necessary, for the character of judicial proceedings in this country, that he should lay a ground for obtaining the documents he wished to see laid on the table of the House. The case to which he was about to call their attention had occurred lately in the city of London, and was, he presumed, known very generally to those whom he addressed, and to the public at large. A person of the name of Patrick Ryan, alias Brown, was convicted a session or two past, of highway robbery, at the Old Bailey; the date of the indictment he did not know, nor of the time when the report of the recorder was made to his royal highness the Prince Regent. It was not considered, he presumed, a case where the interference of the prerogative of mercy could be applied, and the sentence of death was carried into execution on Friday last. An attempt to effect the escape of her husband, by the wife, Mary Ryan, had been discovered, and for that offence, on the forenoon of the very Friday on which he suffered the sentence of the law, the wife was brought to the bar of criminal justice. He was not disposed to take up lightly any suspicion against the manner in which justice was administered, and he did not despair of finding a satisfactory explanation of this apparently unjustifiable act; but till he did receive such an explanation, he would not hesitate to say, that to cite a person under such circumstances to trial —to call upon a human being, a woman too, under all those agonizing feelings, to make a defence—to increase the already aggravated sufferings of her helpless condition, by arraigning her for such an alleged crime, was one, he must say, of the most indecorous proceedings, and perhaps savoured more of the character of inhumanity in the exercise of British jurisprudence, than had ever before been witnessed in this humane country [Hear, hear!]. It was, he might be told, strictly legal—the accusation was, and he believed it was fully borne out by the facts; but these admissions did not change its character, because in the prosecution of the offence—in the time of bringing it forward, a course was pursued in direct hostility to the spirit and principle of all just law [Hear, hear!]. There existed laws in this and in almost every country, which, if carried into strict execution, were adverse to the dictates of justice itself, and therefore to enforce the one at the expense and in violation of the other, would be to convert that administration, which in its pure exercise was the school of humanity and best source of moral instruction, into an instrument of deep-felt odium and remorseless severity.

To punish domestic affection—to destroy the ties and sympathies of private life—to discourage the manifestation of those endearing feelings, which operated more to the prevention of atrocious crime, than the whole code of criminal law—such a system could not be worthy of the jurisprudence of the country in which he spoke. Few persons had not read, without feelings of delight and admiration, the courageous affection of lady Southesk, who nobly risked her own life to save the still dearer life of her husband? Yes, that account could not be read without exciting emotions of reverence, of affection, of admiration; and God forbid that that which we admired and venerated in exalted life, we should stigmatize and punish as a crime amongst the humble and the friendless! But though it appeared to him to be contrary to the spirit of all just law to commence such a prosecution, that was not what he principally complained of. No: he complained that the prosecution was proceeded in after the pardon of the Crown was withheld from the husband. He blamed those who, under these circumstances, pressed the matter to a trial. But this was not the worst part of the case. The unfortunate woman, who was in gaol with her husband—who saw him carried to execution—she was conducted to take her trial for a criminal charge before the corpse of that husband was cold [Hear, hear!]. At that moment, she was as incapable of proceeding upon her defence, of extenuating the offence alleged against her, or of proving her innocence, as if she were in a state of confirmed insanity. It was the same thing, whether she was dragged from a cell in Newgate, or from a cell in a mad-house. There could be no trial, because there could be no defence; and there could be no defence, because the woman was not in the possession of that natural capacity which the principles of all law positively demanded. He trusted he should not hear any thing of the character of the woman—with it he was wholly unacquainted, but of this he was certain, that the more unfortunate she was, the stronger was her title to the protection of that House. It might be said, that there was no fault in any quarter, and that the regretted event was the result of inevitable misfortune. He need not assure the House that he would be most glad to be so convinced. Candour, however, compelled him to say, that he was not to be satisfied in that view. The proceedings in the case went to show, that this unseemly and shocking spectacle might have been prevented by a due foresight and vigilance. It was unnecessary to inform the House that the officers of the Crown had a right to stop criminal proceedings, not indeed capriciously but in the exercise of a sound and wholesome discretion. They had the power in the language of the law, to enter a *noli prosequi* in cases fit for the application. Was the present, then, not a case which, on the most imperative grounds, called for its exercise? He did not believe that there ever existed in this country an attorney-general that would have withheld its application, and most certain he was, that the good natured and humane man, who so recently filled that office, would, if informed of the circumstances, instantly have applied the remedy [Hear, hear!]. But supposing that, from the influence of some invincible ignorance this remedy did not suggest itself to the prosecutors, what objection, was there to postpone proceeding until the legal officers on the bench had communicated the circumstances to the attorney-general? It was said, in explanation of the proceeding, that as it was the last day of the adjourned session, to postpone the trial would have subjected the woman to a much longer period of confinement. That was very true, but a *noli prosequi* would, in twenty-four hours, have released the wretched woman for ever. In this case she would have been able to have paid, as the best solace of her affliction, those rude honours to her unfortunate husband, according to the ancient usage of her native country, which it was her anxious wish to perform. Her fate had, indeed, been severe; and if ever she returned to her native country, she was not likely to spread that love for the laws of England, and that affection for its institutions, which ought to be generally diffused, and which in no country were more necessary or would be more beneficial [Hear, hear!]. Her story would not be confined to this country; it would be listened to over Europe, wherever we had a friend to feel shame, or an enemy to enjoy a triumph. The consideration that it would spread over Europe, and would be made a test of the excellence of our criminal jurisprudence or produced as a feature of our national character, was one chief reason, among others, why he had mentioned it in parliament; and he entertained the hope that a public declaration in this House would counteract the impression made against us abroad, and convince the world that its apparent inhumanity did not escape notice, and that the terms in which it was mentioned shewed it to be rather an exception from our judicial proceedings than a common specimen. The hon. and learned gentleman concluded with moving,

"That there be laid before this House an account of the dates of the report of the recorder of London to his royal highness the Prince Regent on the case of Patrick Ryan, otherwise Brown, lately convicted of highway robbery at the Old Bailey; of the warrant for the execution of the said Ryan, and of the time when he suffered death: together with the dates of the finding of an indictment against Mary Ryan, otherwise Brown his wife, for aiding in an attempt to procure the escape of the said Patrick Ryan from prison; and of the trial and conviction of the said Mary on that charge."

Mr. *Addington* thought he could give the hon. and learned gentleman that satisfaction on the subject of his motion, which he had expressed himself anxious to receive. It was impossible that any magistrate could have been so inhuman as to have brought this poor woman to trial on the very day on which her husband was executed, had not pressing reasons existed for doing so. It had only been done to save her from a more serious punishment, which would otherwise have resulted from the affectionate discharge of the duties of a wife, which had brought her under the sentence of the law. It was purely from a principle of humanity that she was put to the bar on that day, in order to save her from three months imprisonment, which must have followed the postponement of the trial till the next quarter sessions, and he might venture to say, it was fortunate for the poor woman that she had been brought up on that day. The secretary of state for the home department on hearing of some of the circumstances of the trial, caused the case to be immediately inquired into. This step was taken on Sunday, and the result of the inquiry induced him on Monday to recommend her to the Prince Regent, as a fit object of mercy, notwithstanding the lenity with which she had been treated by the court, who, he believed, had awarded the mildest punishment they had it in their power to inflict. The application of his noble relation had been successful; the poor woman had received a free pardon, and was now at liberty. This statement, he apprehended, would induce the hon. and learned gentleman not to press his motion. The dates which he called for, he believed he could furnish him with on the instant. He accordingly proceeded to state the periods at which the warrant, &c. were signed.

Alderman *Atkins* assured, the hon. and learned gentleman that the magistrates considered seriously what method could be devised to prevent the trial, but found that it could not be done. Had the trial been postponed, it would only have been an additional confinement, which would in itself have been a punishment. He could assure the House, that no means were used on the part of the magistrates to provoke a prosecution, or to urge its activity. Her trial was conducted with every disposition to produce an acquittal. Her defence was conducted by a counsel who had much zeal, and his exertions made a great impression in her favour; but to the great disappointment of the court and jury, a verdict was necessary against her. Every comfort was administered to her in the afflicting situation in which she stood. The recommendation of the jury to mercy was received with heart-felt joy. All parties sympathized in her fate, and a liberal subscription was immediately entered into.

Lord *Castlereagh* said, that, if the explanation of the right hon. gentleman did not go far enough to induce the hon. and learned gentleman to withdraw his motion, he thought the statement of the facts which judicially came before the worthy magistrate would have that effect. Nothing could alter the painful circumstances of the case—which were hardly felt more deeply by the individual herself than by the court before whom she was tried; but it evidently appeared, that it was a principle of clemency, and not of inhumanity, that brought the trial on at the time when it took place.

Sir *S. Romilly* said, the case was not alone most calamitous to the wretched individual, but contributed to render odious and detestable the administration of justice, and he was sure that the House would feel greatly indebted to his hon. and learned friend for the opportunity of relieving the character of the country from the reproach. There was not, there could not be, any censure against the government. On the contrary, it had evinced great and prompt humanity. The magistrates who tried the case, also were wholly blameless; but he must consider the conduct and perseverance of the prosecutors highly censurable. There could be no offence in such a case; the helpless woman obeyed the law of nature. In the attachment and obedience that she owed her husband, the law recognized her incapacity to commit any crime, because it presumed her wholly under the husband's influence, save in the cases of murder and treason. What else could the jury have done under the circumstances? And here was an illustration of the mischief of those laws that place conscientious men in the situation either of violating their oaths or of wounding the most virtuous feelings of their nature. What was the emotion of the auditory that witnessed this revolting spectacle? There was not a person in the court whose heart did not rebel, and repulse the calamitous inhumanity, under the form of judicial proceeding. The prosecutors should have considered this, and not subjected the administration of public justice to such odium and detestation. It would have been easy for the magistrates to have suggested that no witnesses should be called. The fact was, there never had occurred in the history of the law of this country, a more disgraceful inhuman event than this.

Mr. *Ponsonby* said, the unfortunate woman had been indicted a considerable time before she was brought to trial, and great negligence was apparent in not applying to the attorney-general or the government to stay the prosecution, when it was known that her husband's death-warrant had been sent down on the Saturday before her trial took place. This was an inexplicable piece of negligence on the part of those who had the superintendence of the gaol. The poor woman might also have escaped by another mode: it was in the power of the magistrates to advise the prosecutor not to call witnesses, and thus the matter would have been put an end to.

Mr. *Bathurst* observed, that if it was to be held out to the public and the world, that there had been an abuse of justice, and a case of inhumanity, he trusted all the circumstances would be accurately represented, and that foreign countries, to whom it was said the knowledge of the transaction would extend, might have the means of forming a correct judgment upon the matter. It would then appear, that the poor woman in question had been tried on the day stated, for being instrumental in attempting to effect the escape, not merely of her husband, but two other felons, by one and the same act. Her trial had been brought on when she might have traversed the indictment at her own desire, and by the advice of her counsel. The judgment on conviction was one month's imprisonment, and this punishment had been remitted by the clemency of the Crown. These were the plain circumstances of the case; and it should be recollected, that when the prosecution was commenced, it was uncertain whether her husband would be executed or not. He apprehended that the prosecutors could have pursued no other course, and that the period of the trial had been considered by her counsel as that which was calculated to prove the most fovourable to her interests.

Mr. *H. Martin* conceived that there would have been no difficulty in restoring the unfortunate woman to liberty without putting her upon her trial. If the prosecutor had declined to come forward, the witnesses might have been discharged from their recognizances. He should give his vote in support of the motion, not for the purpose of inculpating individuals, but to defend the character of justice and the decorum of judicial proceedings. However humble the person who had been the sufferer in the present case, he recollected no one that had created so much disgust, or been received with such disapprobation in the public mind. The woman certainly, with regard to her offence, was not in a capacity to be supposed acting under the influence of her husband, and was therefore legally subject to conviction. The motion threw no censure on the general administration of criminal justice in the country; but, on the contrary, if assented to, would tend to exalt and vindicate its character.

Sir *James Mackintosh,* in reply, observed, that he had not, in bringing this motion before the House, directly or indirectly designed to impute any blame to government; on the contrary, he was much gratified with the very alert manner in which humanity had been extended to her, neither did he impute any improper motives to the worthy alderman and his colleagues. But while he said this, it was impossible for him to be silent when he contemplated such an unusual, detestable, and unnatural prosecution; and it was equally impossible not to blame the very institution of this prosecution, which was directly contrary to the spirit of all law. Odious in itself, it became infinitely more aggravated after the recorder's report was made. The magistrates knew on the Saturday that this poor man was to suffer the punishment of his crime, yet they took no pains whatever to acquaint his majesty's attorney-general of the horrible coincidence between the poor man's execution and his wife's trial. It was a matter of no moment where the poor woman sat during that detestable trial; whether it was beside her counsel, Mr. Barry (whose humane exertions on this painful occasion did him honour), or on the bench, the circumstance was still the same. The prosecution was, he understood, carried on at the instance of the city of London; and why had measures not been taken to prevent it coming on at all? Humanity itself might have told the judges to suggest to the prosecutors the propriety of calling no witnesses. He was shocked to hear the lenity of her punishment adduced as an extenuation of the highly aggravated transaction. The punishment itself was a matter of no moment, for the trial was a severe punishment. What a most appalling spectacle did she present while arraigned at that bar! But a few hours before she stood in the endearing connection of a wife, but at that bar she stood an unhappy, defenceless widow, with her orphan child at her breast; her heart wrung at that time with the most agonizing sensations, when she turned to the melancholy fate of her husband and looked on the wretched infant in her arms [Hear, hear!]. Good God! was it possible to conceive a situation more truly distressing? And was the House then to be gravely told, that the lenity of her punishment was an extenuation of the aggravated nature of the case? Imagination itself could not conceive a more horrible punishment than that inflicted on her by her being placed at that bar. The House might dispose of the motion he had made as they saw proper, but he should consider himself guilty of levity in withdrawing it, particularly because nothing had been explained in the slightest satisfactory manner. It appeared to him that his object would be defeated if he consented to withdraw the motion, because he wished that the House, by adopting it, should make a public declaration of their opinion, and hold up this fatal, this horrible transaction, as a warning to all magistrates in future. On that account he was determined not to withdraw it [Hear, hear!].

Lord *Castlereagh* intimated, that as the hon. and learned gentleman still wished for the production of the papers, he should not oppose the motion.

The question was then put and carried.

HOUSE OF LORDS.

Thursday, May 8.

Roman Catholic Question.] The Earl of *Donoughmore* said, that to the subject of the Petitions, which it was then his duty to present to that House, it had been his fixed determination to have called the attention of their lordships at a much earlier period of the session, and that he had expressed such to be his intention when he last addressed himself to the House on behalf of his Catholic countrymen. His feeling was then, and should ever continue to be, that, on a question of such extent and magnitude, so vitally interesting to an important class of his majesty's subjects, it needed not the continual solicitations of the individuals more immediately concerned to stimulate parliament to the performance of its duty; and that, if such remembrances were supposed to be necessary, they had already on the tables of both Houses, the petitions of the Catholics of Ireland, stating their grievances under the disabling statutes, and praying for redress. He did not wonder under such a state of the question, at the surprise which had been expressed by a noble friend of his (the earl of Darnley) on a recent occasion, that he had not himself redeemed the pledge which he thus appeared to have given of an early discussion.—The circumstances, however, by which he had been restrained, were such as, he was persuaded, would fully exculpate him, not only in the opinion of his noble friend, but in that of the House. That part of the Roman Catholic body, with which he had been so long acting, had been engaged, from the beginning of the year, in the laudable endeavour of effecting a general conciliation amongst themselves, with the view of approaching parliament once more, by one and the same general petition, speaking the wants and the wishes of all the Catholics of Ireland. Being aware that such an attempt had been made, and trusting that it might have been attended with success, would it not have been the part of a most inconsiderate, ill judging mind to have interposed, at such a moment, with any precipitate suggestions of his own? Though the endeavour at a general union amongst themselves had not been attended with the desired success, so far as related to the bringing forward of the whole Catholic body in their petitions to parliament, it had operated, however, most advantageously towards the advancement of the common cause, by devising and bringing to maturity, that excellent specific against all the terrors of foreign influence, which went to secure the appointments to the higher dignities in the Roman Catholic church against the possibility of any interference from without, by making them depend exclusively upon the nomination of the Irish Roman Catholic clergy themselves. To this species of appointment, so properly denominated Domestic Nomination, there was sufficient ground to be assured, that the spiritual head of their church would not withhold his consent.—

Having proceeded thus far in the road of conciliation, the Catholic body had deserved well, in his opinion, of their Protestant countrymen and of the state. No doubt ought now to remain upon the mind of the greatest alarmist upon the score of foreign influence. If any political necessity should still make the opposition to any further concessions to their Catholic fellow-subjects a matter of indispensable political necessity, some new ground must be devised for their future operations. But, in the printed reports of what had recently passed upon that part of the subject in another place (through misconception, of course), there had been put into the mouths, not of those who oppose, but of some of the most sincere and strenuous advocates of the Catholic cause, a sentiment which could never have been uttered, because no such feeling could have rested upon their minds—as if contrasting the recent conduct of Roman Catholic prelates with that in 1808, these reverend and justly-respected persons had departed altogether from their former line of reasoning and of conduct, and had now adopted a course entirely different, in one as well as in the other. It is impossible, however, that any thing could have been so little justified as these impressions, by the real state of the case. For what were the circumstances under which the resolutions of the Roman Catholic prelates were entered into in 1808, by which they declared, with the full and hearty concurrence of the whole body of their laity too—that it would be, in their opinion, inexpedient to alter the established mode of appointment to prelacies in their church? It was with all the terrors of the Veto staring them in the face, that they have endeavoured to shut the door against that destructive foe to their religion, by the resolution to which he had alluded—and he must add, without any expedient then presenting itself to their minds, by which the conscientious scruples of many an honest man in and out of parliament, might have been set at rest. Having thus resisted, as incompatible with what they owed to the permanency of their own church, any interposition on the part of the Crown, in the appointments to its prelacies; and having a sincere desire on the other hand, to meet the wishes of their Protestant fellow subjects to the utmost of their power; they set themselves securely to work—the clergy and laity cordially concurring with each other, in the same good work of conciliation; and the event of their joint labours has been the devising of such an expedient against the bugbear of foreign influence, as could not fail to be satisfactory in quieting the scruples of every objector on fair, constitutional grounds, and thus they had enabled their advocates to approach both Houses of parliament, with the olive branch of conciliation in their hands.

Such being then the real state of the case, holding out as it did such very favourable prospects to those who advocated the restoration of franchise to their roman catholic countrymen, he could not imagine on what facts or principles was bottomed the opinion which was given by a right hon. gentleman (sir J. Nicholl) of high professional character and just weight, on a recent discussion in another place. That right hon. gentleman—whose opinions claim additional attention from his near official connexion with the right reverend bench—has been made to declare in the printed reports of those proceedings, that so far from the question coming before parliament now, under auspices more favourable than heretofore, circumstances had taken place, not in the united kingdom only, but in the rest of Europe, which, in his view of the subject gave to the state of the question a very different aspect indeed. It had entirely escaped the noble earl's observation what these unfavourable circumstances were, or could, by possibility be, either abroad or at home. But it was an easy matter to discover, in the present state of the protestant feelings and conduct, in an important and interesting part of the united kingdom, to which the petitions on the table were particularly related, the strongest possible arguments to enforce the necessity—for the sake of common justice and the equal execution of the law of the land, to put this question completely at rest, by prompt and liberal concession. He alluded to two facts, which he would mention in their order—one of them referring to the metropolis county, and the other to the metropolis itself. With respect to the first, though the relaxing statutes—which had, or rather ought to have been so long in general operation—admitted catholics on a footing of perfect equality with their protestant countrymen, on all grand juries, which, as their lordships must know, had the peculiar exclusive province in his country of taxing the land—and to no inconsiderable amount either—he was himself enabled to furnish the House with a long list of Catholics, the properties of many of whom stand in the very first, and all of characters the most respectable—who had never been admitted to the honour of serving their country in the situation of grand juries, in any one instance—or of watching over the taxation of their own estates.

The other circumstance to which he should allude, related to the metropolis itself. It was a toast given in a large society of gentlemen—and which is resorted to by none but persons, who, in point of situation and property, are entitled to that denomination. But what was this toast? it was so nauseous and disgusting, that it was with difficulty that he could prevail upon himself to pollute their lordships House by the mere repetition of it. "The Pope in the Pillory—the Pillory in Hell—pelted with Priests, by the Devil!" In a society of christians of any description, what desolation of inebriated reason could palliate so great an abomination? What extreme degree of the most beastly intoxication could have tolerated so violent an attack upon common manners and common decency, in a society of individuals, who assumed to themselves, in the remotest degree, the port and character of gentlemen? But this was not a mere drunken folly—it was the sober malignity of the Bigot, which the unguarded sincerity of beastly debauch had indiscreetly brought into open day. And all this took place in the metropolis, as he had already stated, which was the station of a parliament, and is still the residence of the king's representative. For the parliament, happilly he had no hesitation in saying, for the public, it no longer exists, neither would he say, in writing its epitaph, "De mortuis nil nisi bonum." It was the fit instrument of corruption, oligarchy, and proscription, and he rejoiced in having contributed his best efforts towards its degradation and extinguishment. With respect to the scene of these elegant Bachanalian festivities, being still the residence of the king's representative, he must not be misunderstood as meaning to convey any thing like an impression, as if the present lord lieutenant could have heard of this profanation of private society, without the horror which it must necessarily convey to every liberal mind.

To extinguish for ever all dangerous and discreditable heat on all sides; he called for the settlement of this question on fair and equitable principles for all—as imperiously demanded by the present state, as well of the Catholic as the Protestant mind. Enough, and too much of heat had there already been on the part as well of the Catholics themselves, and of some of their advocates, as of those who were the constant opponents of their claims. He had himself more than once taken the freedom which belonged to him, as one of their oldest and most attached supporters, to reprehend in his clients that heat which he did not think was likely to add to the number of their friends—and who had a more undoubted right to assume the province of such an adviser than himself—when he had thought it due, at the same time to truth and to his own feelings, to declare that he had been led by the warmth of debate, even in that House, to enter into such a line of argument, as his own sober judgment had revolted at, when due reflection had come to his aid. All heat, however, he trusted, was at an end, and that they had now advanced at once into the long wished-for era of mutual conciliation. If such was not the case, no blame could at least be attributed to his Catholic countrymen. When the petitions, which he was about to present, had been received, and read, he should for a time withold the usual motion for the appointment of a day for taking them into consideration; under a sanguine expectation, that he should, at no great interval of time, have to hail the arrival of just relief to the Catholics, in the shape of a legislative measure, from the other House. Should these expectations be disappointed, however, he should in that case propose to their lordships a very early day for taking these petitions into consideration. The noble earl then presented to the House the general petition of the Roman Catholics of Ireland, and another petition from the Roman Catholics of the county and city of Waterford. He reminded the House that they had still upon their table the petitions which had been intrusted to his care, during the last session, by those respectable persons who had met at the house of lord Trimleston, and bythe Roman Catholic clergy of Ireland, to both of which petitions he was again instructed to direct the attention of their lordships; and upon the part of the sacred order, two most reverend persons, the fit representatives of that greatly respected body, had been deputed, and were now at hand, for the express purpose of contributing every necessary information and all possible facilities on their parts, towards affording to the watchfulness of the most jealous protestant, every consistent security, short of what they owe to the security of those religious doctrines, which they themselves profess.

The Earl of *Darnley* did not rise to anticipate the discussion which must shortly take place on the subject, but he did expect, from what had already passed, that it would have been introduced in consequence of a recommendation from the executive government. When it did come forward, it should have every support from him, for he did not anticipate that any reason could be given to satisfy his mind that the measure ought not to take place.

The petitions were then read.

HOUSE OF COMMONS.

Thursday, May 8.

Steam Boats]. Mr. *Harvey* said, the House must all have heard of the unfortunate accident which happened some time ago at Norwich, when so many persons lost their lives in consequence of the explosion of the boiler of a Steam Packet. The cause of that explosion was owing, he understood, to the boiler not being of a right construction. It was from its being made of cast iron, and not of cast iron only, but cast iron mixed with other metals, which greatly increased the danger. As there were at present a great number of steam vessels in the different rivers of the country, and several other steam vessels were building, it became a matter of great importance to inquire into the means by which these vessels could be so constructed as to be attended with the least danger to the lives of the passengers. The hon. gentleman concluded with moving, "That a committee be appointed to consider of the means of preventing the mischief of explosion from happening on board steam boats, to the danger or destruction of his majesty's subjects on board such boats."

Mr. *Curwen* said, the accident at Norwich could not have happened, had it not been for gross neglect with respect to the management of the safety valve. It was not from any deficiency in the materials of which the boiler was composed.

Mr. *W. Smith* said, the accident was owing to the safety valve being overloaded. The object of the committee should be, by examining engineers, to learn how the safety of the passengers might be best secured. It might be impossible to prevent the bursting of the boiler, but the boiler might burst without causing those inconveniences with which the bursting of cast-iron boilers was attended.

Mr. *Thompson* expressed his hope that the inquiry in a committee might remove the alarm of the country.

The motion was then agreed to.

Military Flogging]. Sir *F. Burdett* seeing a right hon. gentleman in his place, wished to call his attention to an instance of Military Flogging which had lately come to his knowledge. In the Carlisle Journal, published about ten days ago, it was stated that a soldier of the 13th light dragoons, quartered in Carlisle, terminated his existence the preceding Sunday by drowning himself in the river Eden, through dread of receiving the second portion of a number of lashes which he had been sentenced to receive. He had already received one portion. He was sentenced to this punishment for having married a young woman without previously obtaining the consent of his officers. He would not enter into the question, whether the offence was one which was properly deserving of punishment, but would confine himself to inquiring of the right hon. gentleman, whether he had correctly understood him on a former occasion? What he had understood him to say was, that it was illegal to bring out a man a second time to receive punishment, when he was unable to receive the whole of it at once. He understood that the individual in question had served long in Portugal and Spain, and latterly in France, and had always conducted himself in the most distinguished manner. He hoped the right hon. gentleman, if he was not acquainted with the case, would inquire into the circumstances, and if he found they were as stated, that he would take such measures as he might deem necessary.

Mr. *Manners Sutton* said, he knew nothing of any punishment having lately been inflicted, such as the hon. baronet had described. He did not know that there was one word of truth in the statement. Neither had he any reason, from what had fallen from the hon. baronet, for believing that he knew more of it than himself. The hon. baronet had stated correctly the opinion which he had formerly delivered in the House, respecting the illegality of bringing a man more than once out to be flogged, under the same sentence. He still entertained precisely the same opinion—the opinion had been adopted by his royal highness the commander in chief, and was at present acted on. He entertained considerable doubts respecting the truth of the statement in the paper, because the matter seemed of so extravagant a nature, that if it had happened, he must have heard of it. If the hon. baronet would furnish him with the name and dates, he would make the necessary inquiries.

Sir. *F. Burdett* said, the name of the regiment only was mentioned in the Carlisle Journal, but he had understood that returns were made of all the sentences by courts martial.

Mr. *M. Sutton* said, that returns were regularly made to the proper office, but he was not made acquainted with them, except when it became necessary to consult him with respect to them; and this was one great reason of his doubting the truth of the statement in question, because if such a punishment had been entered in any return, it would certainly have been mentioned to him.

Mr. Herries's Appointment.] Mr. *Bennet* rose, in pursuance of notice, to bring under the consideration of parliament certain places of emolument and half pay, which the right hon. gentleman opposite and his colleagues had bestowed on the late commissary in chief. He could assure the House that he brougth forward this motion on motives solely of a public nature, not having any acquaintance whatever with the person on whom these appointments had been bestowed. This gentleman had entered the public service in 1798, as a clerk in the treasury. In 1806, he was appointed private secretary to Mr. Perceval, early in 1811 a controller of army accounts, and on the 1st of October of that year commissary-in-chief. In order to estimate fairly the services of this gentleman it would be necessary to state of what nature they were. It was well known, that from 1793 to 1809, the commissariat department had been carried on in a way so very injurious to the public service as to produce remonstrances and complaints from those distinguished generals, sir John Moore and the duke of Wellington, of the inefficacy of the system then pursued; and government, wishing to put the service on the best footing, had consulted with colonel, now sir William, Gordon on the best means of remedying the evil. That officer was then selected to remodel the office; a duty of the most difficult and laborious description, which he performed in a manner highly creditable to himself, and eminently serviceable to the country; though the right hon. the chancellor of the exchequer had, on a former night, in panegyrizing the conduct of the late commissary-in-chief, attempted to give him more credit than he had bestowed on sir W. Gordon: but he (Mr. B.) thought it was clear, even from the minute of the Treasury as well as from the testimony of the commander in chief, and the commission of inquiry, that all the advantages derived from the separate establishment of the commissary-in-chief's office were to be attributed to the arrangements made by sir W. Gordon. However, that gentleman, who was appointed in 1809, remained in the office only two years, and was removed in 1811. In 1811 Mr. Herries received his appointment. He found the office established, the arrangements made, and all the complicated machinery of the business in the most exact order. A child might keep in motion machinery the most gigantic, when all its parts were completed and in order; and all Mr. Herries had to do was, to keep at work the engine he found ready to his hands. Now, what reward had sir W. Gordon received? and what reward had Mr. Herries received? Sir W. Gordon, who established the system of the commissariat, had quitted the office of commissary in chief, and the salary of 2,555*l.* a year, for that of quarter master general, a most laborious office, at a salary of 2,000*l.* now reduced to 1,800*l.* a year. When Mr. Herries retired from the office of commissary general, he had half-pay given to him of 1,355*l.* a year, to which was superadded an office of 1,500*l.* a year —the auditorship of the civil list; all which, after taking into consideration the deduction made from his half-pay by the Treasury minute of the 16th of August, left him a clear income of 2,700*l.* a year, for the small service of five years as commissary general, and 13 years as a clerk. He had 1,200*l.* for doing nothing, and 1,500*l.* for doing very little. He knew it would be contended, that the office held by Mr. Herries was of a civil nature, and that a compensation should be made for services on the loss of a situation of that description. He knew there were plenty of precedents for such a course of proceeding; and that there was no end to the antiquity of such expensive remuneration; but he begged that this question might not be tried by the precedents of extravagance, devolving by lineal descent, from treasury to treasury, but by the amount of the service itself, and the merits of the individual by whom it had been performed. But he denied, in the first place, that the office in question was of a civil nature; and he rested this denial on a statement made by Mr. Herries himself, who, when on his examination before the commission of military inquiry, he was asked whether his office was of a civil nature, replied "no." Besides this, he was considered as belonging to the war department, and his office a branch of the war office; he was gazetted in the other staff appointments; he was enjoined to obey orders from the commander in chief, and lastly, he was subject to the operation of the mutiny act. As a military officer, then, he would have been entitled to his half-pay; and what was the amount of that? What pay was given to commissaries in chief on actual service in all parts of the globe, serving in distant and unhealthy climates, exposed to all the perils of sea and land, sharing all the fatigues of the duty of soldiers, and by whose exertions our brave troops were enabled to perform such prodigies of valour, and to overcome difficulties apparently insurmountable? The half-pay of Mr. Bergman, and the other commissaries in chief, was 600*l.* a-year; men whose services were not those of the Treasury, who did not pass their time safely in a warm room, and by the fire side; but were exposed to various climates, sent out to distant regions, encountering perils by sea and perils by land; sharing the fatigues of the troops, for whom they found the necessary sustenance; and who were enabled under their care, to perform those achievements that had astonished the world. The chancellor of the exchequer had estimated the service of these men, exposed to toil and perils, at 600*l.* per annum; but this gentleman, sitting the whole time in the Treasury chamber, in the very sunshine of patronage, was to receive 2,700*l.* a year for services of so light a nature—for sitting five years in the Treasury chamber; his half-pay being twice the amount of that of a general in the army, who had reached his rank by hard service, fighting our battles perhaps all over the world. It appeared by the Treasury minute to have been resolved, that 1,350*l.* should be allowed for a reward for the services of Mr. Herries; but if he received any other appointment by which his salary should, in the whole, amount to more than 2,700*l.* a-year, so much was to be deducted from his half-pay as would reduce the total receipt to that sum. One would suppose that all this had been said in contemplation of some appointment at a future day; but not so; for that very same day, the very day on which the Treasury minute announced the abolition of the office of commissary in chief, Mr. Herries received the situation of auditor of the civil list; so that after having been thirteen years a clerk and five years a commissary-in-chief, he retired with a salary of 2,700*l.* a year. As to the office of auditor of the civil list, if it was not a sinecure, at least there was little to do; and persons might be found perfectly responsible and able, and who would be very ready to fill the situation for 500*l.* a year. But he had other objections to the office; for by it the auditing and controlling of the civil list was taken out of the hands of industrious individuals; it was taken from honest hard-working men, and transferred from the servants of the public to the servants of administration. Besides, here was a gentleman holding his half-pay, with other offices of civil emolument, by the acceptance of which, in the ordinary course of the service, he would have been liable to forfeit his half-pay; a rule which, with respect to the lower branches of the service (with respect to men whose reward was so hardly earned), was always most rigidly enforced. He held in his hand a letter from the war department, which, in calling for the names of officers on half-pay, enjoined the statement of any offices, civil or military, which disqualified them from receiving their half-pay; so that if a poor lieutenant held an office of above 100*l.* a year emolument, sufficient if added to his half-pay, to give him a few of the comforts of existence, he was obliged to give up his half-pay, and content himself with that miserable pittance, while this gentleman, with 1,350*l.* a year half-pay received an appointment amounting to 1,500*l.* a year more! At the time of this appointment, too, August last, there was a universal cry of distress through the land; meetings were held in this town to aid the poor-rates, and afford a scanty relief to thousands who had no resource; the rich were compelled to give their superfluities, and others their necessaries of life, to the relief of their poorer brethren. At that time the chancellor of the exchequer thought fit to give this individual the enormous sum of 2,700*l.* a year an act insulting to the public exigence, and public calamity. He did not say that this gentleman had not some claim on his majesty's government; but, contrasting this appointment with the promises of economy and retrenchment, that had been so continually held forth, it did seem as if the right hon. gentleman and his colleagues had employed their time and ingenuity, not in contriving how to save, but how to increase the public expenditure, and squander the money wrung from penury on their friends and favourites. He should therefore move, that the House do resolve, "That the allowing the late Commissary in chief, upon the abolition of his office, to retain half his salary of 2,700*l.* per annum, as a retiring pension, was an excessive remuneration, regard being had to the length of his service in the Commissariat department; and that the permitting him to hold an office of 1,500*l.* per annum in addition to the same, is an improvident expenditure of the public money, and establishes a precedent which this House conceives to be injurious to the public interest."

The *Chancellor of the Exchequer* observed, that he was willing to allow the hon. gentleman all possible credit for the independency of his motives in bringing forward this question; but he trusted what he had to say would satisfy every impartial gentleman who heard him, that in the arrangements that had taken place with respect to Mr. Herries, nothing but strict and rigid justice had been done that gentleman, if indeed the full measure of justice had been attained. The hon. gentleman had, indeed, stated what appeared in the papers before the House, but he had not fairly stated the whole. Mr. Herries had been appointed a clerk to the Treasury in 1798. Some time afterwards, when he (the chancellor of the exchequer) was appointed secretary to the Treasury, Mr. Herries had been appointed his private secretary, and remained in that situation till the year 1804; after that, he became private secretary to Mr. Perceval. The hon. gentleman could know little of public business, if he thought the situation of private secretary to a first lord of the Treasury was one of an ordinary nature; or that any person was capable of filling. It was indeed a situation of the highest confidence, and attended with the greatest degree of labour, and as such it usually and deservedly led to very high promotion; and if Mr. Herries had filled no other office than this, his services here alone were such as to entitle him to the remuneration he now enjoyed. Without entering into any comparisons of the rewards which other persons had obtained at other periods, who had executed such important duties, he should only say, that it did not appear to him that this gentleman was at all overpaid by what had been done for him. Mr. Herries, as he had said, had been fixed on by the discernment of Mr. Perceval, to be his private secretary. But his services were not confined to that situation. From the office of private secretary to Mr. Perceval, he was removed to the controllership of army accounts; a patent place, which he held for life at an annual salary of 1,500*l.* In 1811 he was in possession of this office, which he resigned to take on himself the office of commissary-in-chief, not on account of the removal of colonel Gordon for the purpose, as the hon. gentleman insinuated, but because that gallant officer chose to relinquish the appointment, in order that he might resume his military career, which was more congenial with his wishes, and which he had quitted with regret when the situation of commissary was proposed to him by Mr. Perceval. When the situation of commissary-in-chief had been first established by Mr. Perceval, the office was of a very different description from what it had been when consolidated with another department. He (the chancellor of the exchequer) was very far from wishing to depreciate the merits of colonel Gordon, whose situation was very different from that which had been held by sir Brooke Watson: that gentleman had held the appointment for Great Britain alone, and was not connected with foreign stations; but colonel Gordon had the charge of the foreign department, in addition to that of Great Britain; which entailed upon him a more enlarged responsibility. Mr. Herries came to the office with all its arduous labours and responsibility in 1811, and he held it till 1816, when it was thought that a more economical arrangement might be made by re-uniting the commissariat as it stood at the beginning of the war, in the annexation of a part of it to the Treasury. That this measure had been productive of real economy, any person who looked into the accounts would clearly see. By the suppression of the separate department of commissary-in-chief, forty-two persons had been dismissed whose united salaries amounted to 11,000*l.* a-year. Besides, it was always the case, that when a department was separated, it incurred more contingent expenses than when it was consolidated with some other branch of public service. With respect to the cause of Mr. Herries's promotion, if he the chancellor of the exchequer had been first acquainted with that gentleman, he had not contributed to his advancement; the whole of that was attributable to the favourable opinion conceived of him by Mr. Perceval. Besides which, Mr. Herries had a sort of hereditary claim to promotion, from the circumstance of his father having been almost the author of the volunteer system, from which the country had derived that universal military spirit that had enabled us to bid defiance to the threats of invasion, and had, not very remotely, led to those great results by which our prowess had been signalised all over the world. However, he would estimate only the services he had himself performed, and would state what they were. Mr. Herries, holding an office for life of 1,500*l.* a year, had relinquished that to succeed colonel Gordon. He had entered on the office, remodelled by that gentleman, at a time and under circumstances the most important and critical in which this country had ever been placed. In that situation he found him. Although holding a situation of a military nature, he had been excluded from the benefit of half-pay by a measure of Mr. Perceval's, who thought that the commissary-in-chief should not be entitled to half pay; because if he were, after a short period he might retire from service and enjoy a salary for life. For services of that duration he considered it better, that the recompense for the service, instead of being fixed, like half-pay, should be left to the discretion of government, and proportioned to the service performed. But in either case Mr. Herries was entitled to some provision; and not being entitled to half-pay for the civil appointment he held previously to his situation of commissary-in-chief, it was requisite that some proportionate recompense should be afforded him for his services in the latter department. By the 50th of the king, persons who had served in civil appointments for any period between ten and twenty years, were entitled to a recompense proportioned to the length of their services. By that act persons who had been in the service ten years were entitled to half the salary of their office; those who had been 20 to 2-3ds. Mr. Herries had been 18 years in the service, or within 2 years of the time, which would have entitled him to 2-3ds. The allowance of one-half was therefore, surely not extravagant; and when he was allowed half pay by the Treasury minute that abolished his office, it was with the express exception, that if he were appointed to any office, the emolument of which joined to his half salary, should exceed the amount of 2,700*l.*, such a deduction was to be made from the half salary as would bring his whole receipt down to that sum. The office of auditor of the civil list, to which Mr. Herries was appointed, was the result of parliamentary enactment; from a conviction that it was the only way in which the expenditure of the civil list could be controlled; and the use of it might be gathered from this.—that whereas under the former arrangements there had been a constant excess above the income, now there was no excess at all. Though this result operated rather in praise of Parliament for instituting such an office, than as the peculiar panegyric of the person who filled it, yet he must say that nobody was better qualified for that situation from character, from manners, from ability, and from extensive acquaintance with men and things. This gentleman, when at the ordnance, had exerted himself with much success, and the country had considerably benefited by his labours; but when the question as to what remuneration he ought to receive was under consideration, he thought it necessary to bring his services more distinctly before the House than he had yet done. The hon. mover had stated, that the situations filled by colonel Gordon and by Mr. Herries were precisely similar: nominally they certainly were, but when the labour, and the weight of responsibility in each case were taken into consideration, it would be found that the two cases were materially different. In order to show this, he would state what were the sums for which former commissaries general had had to account, and what those were which were to be accounted for in Mr. H.'s time. For instance, he would refer to the amount of the sums passed through the hands of the chief commissary in the three years preceding the appointment of Mr. Herries. In the first of these years the sum passed was 1,037,000*l*.,; in the second it was 1,069,000*l*.,; in the third, and during sir W. Gordon's management, it amounted to 1,192,000*l*., being an excess of more than a hundred thousand above the two previous years: but this was but trifling, compared to the sums passed as soon as Mr. Herries was put into that situation: for in 1814, the sums were 10,173,000*l*., and in the year 1815, the moneys for which the commissary general had to account, rose to the sum of 15,873,000*l*. When the situations of colonel Gordon and Mr. Herries were compared in this point of view, he thought it must be seen, that though there was no difference between them in their rank of office, it was not just that their remuneration should be the same, when the disparity between the duties which they had to perform was so great, when there was such an excess of trouble and responsibility in one case over the other, it was fit that a proportionable compensation should be given. It would be allowed, that to pass accounts to the amount of 20,000,000*l*. in one year (as had been the case with Mr. Herries) was not to be looked upon as an ordinary exertion, and as deserving merely an ordinary recompense. Not only had he to procure vouchers from persons acting on their own responsibility to prove the application of the sums of which he had to give an account, but he was personally much employed in the laborious duties of his situation. Towards the close of the year 1812, and in the year 1813, when the war assumed a new character, in consequence of the failure of the French expedition to Russia, and when a prospect of better times was daily opening, it was felt to be the duty of this country to make a great and gigantic effort, in order to take advantage of the rising opportunity. It became necessary not only to provide military, but also pecuniary means for an almost unlimited exertion. He (the chancellor of the exchequer), at the period to which he referred, had had the honour to propose measures to that House, which had been carried into effect (as he thought with great advantage to the country), and which had provided for unlimited exertions, and for a very considerable time. All these boundless resources, however, would have been useless, unless they had been judiciously extended and applied to the different points of action: and here he would ask any hon. members who recollected the discussions which took place five years ago, whether it was then thought possible that this country could furnish in one year 20,000,000*l*. of metallic currency for the uses of the war, and this too at a time when the exchanges were greatly against us under circumstances unparalleled in history—when it was the object of England to unite the armies of all Europe against France. Mr. Herries succeeded in contriving the machine by which this great object was triumphantly accomplished. He sent proper persons to the several parts of Europe to make the necessary arrangements, and these were so well adjusted, that in no instance had any of the military operations, then in progress, been retarded by a want of specie. With what success he performed his important and arduous commission might appear from this, that the demands of the allies were answered as soon as made; the wants of the army were supplied as soon as declared; and, in one word, there was a continual accession of means to meet each difficulty as fast as it rose. Wherever the armies of our allies advanced, there the resources of England were to be found; and wherever our own army or navy was directed to proceed, abundant supplies were provided. None of our warlike operations, extensive as was their theatre, had failed for want of pecuniary means. If the exertions that were made, and the success that followed, were fairly to be ascribed to the ability and enterprise of Mr. Herries (and that they were so, no man could dispute), then he would ask, should there not be a reward proportionable to such meritorious service? Millions upon millions of the country's money had been trusted to Mr. Herries, and he had applied them with integrity and honour. A future minister, however, would hesitate to trust such millions to any man, if it should be seen, by the case of Mr. Herries, that penury and neglect were the reward of such distinguished and confidential service. Under these circumstances he thought that the House would feel that the remuneration now in question was only a fair and moderate reward: at any rate he was satisfied, that, whatever their decision might be, what he had done in the case of Mr. Herries, would ever stand justified to his own conscience and his own heart.

Mr. *Tierney* allowed that all he had heard about Mr. Herries was in his favour: his merits were great and indisputable: he had discharged the duties of the important office intrusted to him ably and faithfully. The question however was, whether the remuneration which he had received was not totally disproportioned to the services he had performed. This, in his opinion, was the fact. He would not call the transaction a job, because he was anxious not to apply any unsuitable term to Mr. Herries; but he would say, that either Mr. Herries had been grossly overpaid, or other persons in the same or similar situations had been grossly underpaid. While he had been allowed to withdraw with an egregious sum, other most deserving officers have been left with a half pay, scarcely removed from penury and want. The right hon. gentleman had fairly stated the progress of the official life of Mr. Herries. It was true, that he began as a clerk in the Treasury: it was true that his abilities alone had recommended him to the notice of the right hon. gentleman who had appointed him to be his private secretary; it was equally true, that for his abilities alone, he afterwards was made private secretary to Mr. Perceval; it was true, that persons so situated had always been held worthy of some provision; but none had ever received so great reward as Mr. Herries; none had received 2,700*l.* a year. Besides, Mr. Herries had received his reward already: he had been appointed comptroller of the army, for which he was to receive 1,500*l.* a year for life. Surely, such a promotion was in itself a sufficient remuneration. Mr. Herries, however, chose to relinquish this situation in order to be commissary-in-chief, in the room of sir Willoughby Gordon. Now, he (Mr. Tierney) was happy in being able to call sir W. Gordon his particular friend, and he was perfectly acquainted with the exertions and services of that officer. He knew that to sir W. Gordon was due the merit of inventing and arranging that complicated machine, the commissariat-management. Mr. Herries had all the difficulties smoothed before him, and was not called upon for any extraordinary ingenuity; he had nothing but the increased labour which became necessary from the state of the war. He (Mr. T.) was ready to admit that this labour was greatly augmented by the course of events; but he could never consent to allow the criterion mentioned by the chancellor of the exchequer, that the remuneration of a public servant was to be in direct ratio with the number of millions that happened to pass though his hands. This mode of per centage would be as inapplicable as it was unfair. For instance, his right hon. friend over the way (Mr. Long) had vast quantities of millions passing through his hands, three times as many as had ever passed through the hands of Mr. Herries, yet his pay was but 2,000*l.*, a year; while Mr. Herries was to receive 2,700*l.* Surely such an inequality must produce disgust; surely, men in office would be apt to compare their own remunerations with those of Mr. Herries, and would think themselves ill-used or him grossly favoured. In every view of it, he could not but consider it, if not a job, at least a most extravagant waste of the public money. The right hon. gentleman seemed to take great credit to himself for the reduction which had been made in the commissariat, as if any body had expected that the office of commissary general would be kept up in peace the same as in war. That office being under the commander-in-chief, he thought ought to be regulated as a military office, and the holder of it put on half-pay. There was no sort of proportion between the reward given to this gentleman and that intended for other persons in situations of greater importance. He would take the instance of the prime minister (on whom all the responsibility of administration rested): and yet by the new bill he was only to have 3,000*l.* a year. What were the labours of Mr. Herries, compared with those of sir J. Kennedy and Mr. Bergman? And yet those gentlemen who, during the whole war, had exposed their lives in all parts; who had been entrusted with the disbursement of large sums, of which 4,000,000*l.* were yet to be accounted for (and he doubted not would be accounted for in the most satisfactory manner), had retired with a pitiful 600*l.* per annum, while Mr. Herries obtained his inordinate salary for only five years service. It really seemed as if the ministers could not be content to abolish any office till they had created another of equal value, so that they might never lose a jot of their patronage. But then it was said that on granting Mr. Herries his half-pay it was with the express condition that no future accession of office should increase his income to a sum above 2,700*l.* Gentlemen in that House were in the habit of talking so much about millions, that they forgot the value of hundreds: and yet he knew many gentlemen, (and surely many members must feel the same) to whom 2,700*l.*, or even half that sum, appeared a very considerable sum. One person he well knew to whom such a sum would seem no trifle; and he was sure that the mass of the gentry throughout England must, in times like the present, entertain a similar opinion. Must it not, therefore, be disgusting to these gentlemen to see such a reward carelessly given to such a rate of service, while they themselves were pressed down with the weight of taxation? As to the new-created office of auditor of the civil list, he had always objected to as unnecessary, and if it could be proved otherwise, its duties ought not to be paid for as they were. For this office 500*l.* would be a sufficient income. The right hon. gentleman talked of the auditor of the civil list, as if he were auditor of the whole, when the fact was, he had nothing to do with any of the departments but those of the lord steward of the household; the lord chamberlain, and the master of the horse. When he stated this, did he state the fact or not? Had he to do with any other department? He audited but an expenditure of 209,000*l.* In the first place the Prince Regent was put on board wages, neither more nor less. Then he had a lord steward to look after him, and the lord steward had a manager to assist him: but all would not do; they could not be trusted; neither could the lord chamberlain and his agent, nor the master of the horse, and his agent; so they must have an auditor to look after all six; and for this unnecessary ridiculous office he was to have 1,500*l.* a year. This officer had been appointed in consequence of a recommendation from the finance committee, who, at the same time, had suggested that as many offices ought to be abolished as would effect a saving to the amount of the salary he was to receive. He wished to know if a saving to the amount of 1,500*l.* per annum had been made by the abolition of offices in pursuance of this recommendation.—[He was here answered from the Treasury-bench, that such a saving had been effected.]—If offices had been abolished to save such a sum, he could only say they ought to have been abolished before. But this was the economy of ministers: they would not give up any set of useless offices till they had secured one or more new ones of equal value. The allowance given to Mr. Herries exceeded that conceded to those who had laboured ten times as much for what they received. Mr. Herries himself, he would venture to say, did five—aye, ten times as much—when he was in Mr. Perceval's office as he did now, and then he received but 300*l.* per annum for what he did. But now Mr. Herries was a few years older, he was to receive so much more for doing less. The commissioners of excise and stamps had ten times as much to do. When he thought on this, he must pronounce the business to be a foul and gross job, not of Mr. Herries, but of the government who appointed him. He (Mr. Tierney) felt perfectly convinced that the ministers would not have ventured to say a word in defence of such a barefaced proceeding, if the present motion had come from any quarter except one which, like his hon. friend, was usually in opposition to the administration. For his own part, he did not consider it a party-question. [A laugh from the ministerial benches]. Well, if they pleased, he did consider it a party question. One thing at least he felt to be a party question, and that was, he felt it to be his duty to impress on the House his own firm conviction that there never was an administration which showed such an indifference to the feelings and wishes of the people as was manifested by the present ministers. He supposed, that the present job, like another not long since, would be supported by a triumphant division, and then people, perhaps, would exclaim, "there, you are at your old work again, always making a fuss and talking nonsense about nothing! how can you waste your time in making motions which have no other effect than to drag members from their homes to vote against you, and to disturb the comfortable feelings of meritorious persons; and all this stir you are making about such a paltry sum as 2,700*l.* a-year!" He wished from his soul that gentlemen would lay their hands upon their hearts, and say whether they really thought the present a justifiable remuneration. But, alas! gentlemen did not come there to lay their hands upon their hearts, but merely to vote. He wished to know if in all such cases of five years service, such an allowance was to be given as Mr. Herries enjoyed. He did not mean to attach any blame to Mr. Herries; he was not to blame for receiving the salary which was offered to him; but the blame lay on the government, and still more would the blame lie on that House if it should sanction such an appointment. He hoped to God, if the House did neglect its duty, that whenever an opportunity should occur, the country would come forward and show to members, in the proper manner, its sense of their conduct.

Lord *Castlereagh* observed, that he would not follow the right hon. gentleman through the whole of his speech, as two-thirds of it had nothing to do with the question now before the House. The right hon. gentleman instead of confining himself to the principal question, had gone out of his way to arraign the conduct of parliament, in order to build something like an argument against the appointment of Mr. Herries. It was common for the gentlemen opposite, when they had no other argument to use, to endeavour to save themselves by having recourse to the word "job," though, he could not but feel some surprise that the right hon. gentleman, after the lesson of the other night, should again venture to use the term "job:" he could only account for this by supposing that the right hon. gentleman, like the starling, had got a habit of crying "job," and that it slipt from him unawares on the present occasion. Considering the long and able services of Mr. Herries, he thought nothing more than justice was done to him. It was not from any special favour to Mr. Herries that either of the appointments had been conferred. It had often been said, that till the civil list expenditure was put under the control of some responsible officer, the House could never be protected against those excesses which were of such frequent occurrence; but now that such an officer had been created, when a gentleman in every respect qualified to attend to its duties was appointed to the situation, the whole business was called "a job." Nobody had spoken of Mr. Herries but with that respect and kindness to which every one knew he was entitled from his high character and great talents; and he contended, that, viewing the long services, the distinguished merit, and the high offices of Mr. Herries, no provision inferior to that given could have been offered by the Treasury, and accepted by Mr. Herries. He would separate the question into two parts. He would first inquire what proportion of the salary of commissary-general he ought to have retained on retiring from that office, and next what emoluments it was proper he should receive when his services were called for as auditor of the civil list. As to the first question, the 1,350*l.* was not given to Mr. Herries upon the principle of half-pay. That principle was applicable only to officers who had a regular rise in the army. When this very consideration was under the view of Mr. Perceval, that scrupulous and conscientious minister would not admit that the commissary-in-chief should be subjected to the principle of half-pay. He (Mr. Perceval) on the ground that there were no persons under the commissary-in-chief in a military capacity—that he was not in the way of regular promotion—and that his duties were detached from those strictly military, placed it in such a rank as to be connected rather with the civil list. Mr. Herries had altogether served for 18 years, 13 years in situations of great labour; and had he continued in that department of service, he would, in all probability, have soon risen to a situation of more than 1,500*l.* a year; but he left that kind of service, and was placed in a situation of a more laborious character. Now, it should be recollected that the situation of controller of accounts was a situation for life. From that permanent situation he was removed to one of 2,700*l.*; one in which the greatest responsibility, the severest attention, and the heaviest charges were imposed upon him. This would be felt when the purchases he had to effect were considered, when it was remembered that the outlay of 10,000,000*l.* devolved upon him in 1814, and of 15,000,000*l.* in 1815, to procure a supply of specie on the continent, which was found to be the only course by which the country could be protected against the ruinous expenses thrown upon her by the then state of the exchanges. Such a trust, he would maintain, could not with propriety have been confided to less distinguished characters than colonel Gordon and Mr. Herries, and of the merit of the latter gentleman they had earnest, as Mr. Perceval, with his accustomed penetration, had selected him to be about his person. For those various and arduous charges, for all the operations he had carried on, he possessed the very highest qualifications. He admitted col. Gordon's merit, he willingly assented to all that had been said of him; but Mr. Herries, he must say, was eminently qualified for that situation from his vigilance, activity, and perseverance, and was, entitled to the utmost confidence. In this most laborious and highly responsible office, he continued for five years. Now if the principle of half-pay were admitted, he would be found to have been treated as in the lowest class. In giving half-pay, the principle of proceeding was, that when an officer had served 10 years, he should be entitled to half his salary; when he had served twenty years, to two-thirds: therefore, on this principle, they put him, since he had served only eighteen years, on the lowest scale. On the first part of the question, therefore, it appeared that Mr. Herries had not received even a sufficient retiring provision. On the second question, whether in the event of his accepting another situation he should forfeit his half-pay, he could show that such a rule by no means applied to this case. When Mr. Herries accepted the situation of auditor of the civil list with a salary of 1,500*l.* per annum, it was not to be expected that he would give up his allowance of 1,350*l.* which he was free to enjoy without doing any thing; it was not to be expected that he would take upon himself the duties of auditor of the civil list for the additional 150*l.* a year. That would have been to accept of an inferior situation to that he had formerly had, which was inconsistent with the practice in all such cases. It was well known, that when paying diplomatic services, they placed them in a different situation; it was always a higher one than they had occupied, never an inferior one. The allowance on retiring was not to be viewed as the half-pay of a military officer, which was considered as a retaining fee. The officer in the army might be called on to serve again, as might the retired diplomatist; but neither could be forced out of his line. When then Mr. Herries had been called upon to give ministers the benefit of his talents in a new way, they had no right to call upon him to relinquish the allowance he had received on retiring from the office of commissary general. Mr. Herries acted in foreign countries as commissary-in-chief; he had crossed the sea into various parts of the continent, therefore he could not be reduced to an inferior appointment. In common justice, and in common liberality, he could not be called upon to relinquish his 1,350*l.* in consideration of being appointed auditor of accounts of the civil-list. The right hon. gentleman opposite seemed to have viewed the appointment altogether as one part a job, and the other part a sinecure. He had shown that the first was not a job; he would now prove that the other was not a sinecure. It was clearly established, by two committees of that House, that the office of auditing accounts on the civil list was one of great confidence; and a noble friend of his considered it of the last importance, that the civil list should not be again neglected, so as to bring it again before the House. Mr. Herries, then, having already performed duties of extraordinary importance, was again called upon to undertake a duty of extraordinary importance; for to superintend and correct the accounts on the civil list was an office out of the common line, and required a man of tried integrity and talents, and diligence. The question, therefore, was (for he had discussed the subject separately), as to the proper provision for Mr. Herries on retiring, and whether he was bound to renounce that provision on being appointed to a situation of great importance: the question was, whether, since the salary of this last appointment did not exceed the whole amount of his former salary of 2,700*l.*, he could be called upon to renounce the 1,350*l.* He thought it a fair appeal to that House, whether such a demand could, in common justice, be made; whether, considering the integrity and ability for which Mr. Herries had been distinguished, he enjoyed too high an allowance. Another point of view in which he would beg leave to represent the subject was, that by this arrangement an actual saving was effected to the public. An auditor of the civil list was necessarily to be appointed, and to be paid 1,500*l.* Mr. Herries had 1,350*l.* Had another person been appointed to be auditor, there would in consequence be 150*l.* more paid. The hon. gentleman who had opened the subject had given it a great deal of colouring, but he (lord Castlereagh) could not but think it would have been a great injustice to Mr. Herries, after he was removed from being commissary-in-chief, to have given him less than he now enjoyed. He, therefore, upon those grounds very conscientiously appealed to the House, whether, since it became necessary to appoint a person to audit the civil list, a situation of great importance, the selection of Mr. Herries for that undertaking was not, in every point of view, a proper one.

Mr. *Ponsonby*, notwithstanding the reasoning of the right hon. gentleman, and notwithstanding the distinctions of the noble lord, could not see any grounds for thinking that the office of commissary-in-chief was not of a military nature. An argument, if the House could consider it an argument—an argument of a puzzling and curious nature had been used on this point. The situation was one of great importance and responsibility; the emolument was corresponding to its importance; but when over, nothing but what the Treasury allowed remained to him who had held it, and therefore the situation was not military. Very differently were all other military officers treated. They could receive no other office. It was said they had promotion; they had the prospect of rising from lieutenant to captain, from captain to major. This was very true during war, and during war the commissary-in-chief had 2,700*l.*: but when the war was over they had nothing but half-pay. From the most indigent to the most affluent of them it was the same. Why, therefore, should the situation of commissary-in-chief be treated on a different principle, and what was the force of this argument of ascending rank? But suppose it conceded that Mr. Herries was on the civil list; he had a situation for life of 1,500*l.*; he was not bound to quit it and to accept of the appointment of commissary-in-chief: therefore, he could claim nothing in consequence of his own voluntary act. Mr. Herries was offered the appointment of auditor; he was not obliged to accept of it; but he had accepted of it. He could not be compelled to give his time and labour, but he of choice undertook the task. He could not be called upon to attend to the duties of this office, if he had not been disposed to perform them; but if he took it, he must renounce all the advantages of his former situation. Mr. Herries then was, or was not, in a military situation; if he was, he was entitled to half-pay, but could hold no other situation; if he was not, he could not have half-pay, he could not pretend to both; unless Mr. Herries' friends should propose to make a new principle in his behalf. With all half-pay officers it was a rule, that when they received a new situation, they must give up so much as they had previously enjoyed: that is, if they had 1,000*l.*, and they got an appointment of 3,000*l.*, it was provided by act of parliament, that they could not hold the former sum. It was quite absurd to attempt to exempt this case from the same rule. In every case in which care, and diligence, and service, were rewarded, it was clear by this act, that no person could enjoy any thing at all more than a pension. So ought Mr. Herries to be treated. Was the principle insisted on here applicable to all commissaries general, or to Mr. Herries only? He dared to say that Mr. Herries was a very deserving person; he believed him to be entitled to all the praises bestowed on him; he had never seen him, he had never heard of him till the present subject had introduced his name; he believed him to be a deserving person, but not deserving of this favour. He was favoured he believed. Now though he admitted that he might be a very able and a very upright person, he did not think him deserving of such favour. If favour were thus allowed to influence such questions, every gentleman would have some friend whom he considered deserving and entitled to a similar favour. Nothing of this kind was a compensation to the public for the waste of their money. He felt himself, therefore, bound to condemn this transaction as an improper application of the public money.

Mr. *C. Grant*, junior, said, there were two questions under their consideration; 1st, whether the Treasury had exercised a proper discretion in allowing Mr. Herries 1,350*l.*; and 2dly, whether there was any censure incurred for having given him the auditorship of the civil-list. He would prove that the superannuation act, as the 53d of the king was called, to which the right hon. gentleman had alluded, did not apply; and that the Treasury could not give Mr. Herries only military half-pay. The act applied only to the resignation or dismissal for age or infirmity, of persons holding offices; but here the office was abolished, a case not contemplated by the act. It was therefore a distinct case. The Treasury was free and unfettered as to the allowance to be given to Mr. Herries. He thought the case of half pay officers not at all analogous. They had their half pay as a retaining fee. Mr. Herries had no retaining fee, and no promotion. His was complete exclusion, and the Treasury had not the matter left to their option. Mr. Perceval had settled that it was not within the sphere of half-pay. It was, therefore, no longer optional for the Treasury to regard it as a case of half-pay. As to the question of suitable compensation, it should be always remembered that Mr. Herries had forsaken a situation for life of 1,500*l.* The Treasury seemed to him therefore limitted to the view of this circumstance, and of the extraordinary services of Mr. Herries during the five years he was commissary in chief. The hon. gentleman and his noble friend had agreed in the praise of colonel Gordon; he too was disposed to do him every justice; but Mr. Herries was called to perform the most arduous duties at a most eventful period; he had to conduct the most difficult arrangements, and to manage a various and necessarily intricate correspondence. At the close of the war he proved himself a very able person, and sustained a burthen of the highest importance: he had provided our armies with every thing necessary, though in different and remote places; he had, in addition, procured specie in abundance to meet the necessities of the army, and the demands of foreign powers. No man could have been expected to perform all that he had done. The expenses of this country would have been very much greater than what they had been, but for his exertions. Several millions had been saved to the conntry by him. He would ask, therefore, of any man capable of appreciating such services, whether this gentleman could be thrown upon half-pay? The hon. gentleman who opened the debate had contrasted Mr. Herries's services with the military exploits of others. He thought this contrast unfair and invidious, because it was not easy to form any comparison between the fatigue and hazard of war, and the labour and assiduity of civil functionaries. He thought it also unsound and unwise; for the reward of military toil and danger was the admiration of their country, and the renown transmitted to posterity: it was therefore unsound and unwise to contrast those services clothed with splendour, against the labour and duties, not less severe, though less renowned, of civil life. He was perfectly convinced that no more than strict justice had been done to Mr. Herries.

After a short reply from Mr. Bennet, the House divided:—Ayes, 42: Noes, 93.

List of the Minority.

Atherley, A.
Aubrey, sir J.
Bankes, Henry
Barnett, J.
Birch, Jos.
Brand, hon. Thos.
Brougham, Henry
Calcraft, John
Calvert, C.
Duncannon, visc.
Ebrington, visc.
Fazakerley, Nic.
Fergusson, sir R. C.
Fitzgerald, rt. hon. M.
Folkestone, visc.
Grant, J. P.
Grenfell, Pascoe
Guise, sir W.
Heron, sir R.
Hornby, E.
Jervoise, G. P.
Lambton, J. G.
Latouche, Robert
Mackintosh, sir J.
Milton, visc.
Monck, sir C.
Moore, Peter
Ord, Wm.
Ossulston, lord
Parnell, sir H.
Philips, George
Ponsonby, rt. hon. G.
Prittie, hon. F. A.
Rashleigh, Wm.
Ridley, sir M. W.
Russell, lord W.
Sharp, Richard
Sefton, earl of
Smith, W.
Tavistock, marq.
Tierney, rt. hon. G.
Waldegrave, hon. W.
Wilkins, Walter

TELLERS.

Bennet, hon. H. G.
Gordon, Robt.

TITHES LEASING BILL.] Mr. Newman moved the order of the day for going into a committee on this bill.

Lord *Ebrington* observed, that great expectations had been excited in the country by this measure, of some beneficial arrangements. He was aware of strong objections to any parliamentary interference, which some considered as a sacrilegious attack on church property. He wished, however, to preserve the clergy's rights, without unnecessary burthens on the country.

Sir *W. Scott* moved an instruction to the committee, "That they have power to extend the provisions of the bill to the leasing of lands substituted for tithe, or annexed to small livings by means of queen Anne's bounty."—Agreed to.

Mr. *Davies Gilbert* moved an instruction to the committee, "That they have power to make provisions for continuing current leases to the end of the year, in cases of avoidance of benefices and for rateably dividing the emoluments between the late and present incumbent."—Agreed to; as was also an instruction, "to extend the provisions of the bill to glebe land under certain conditions."

On the motion for going into the committee,

Mr. *J. H. Smyth* said, he thought it would be injustice to a successor to be bound by acts to which he was not a consenting party. There were three provisions proposed—the consent of the incumbent, patron, and a sworn surveyor; but he did not think they would be adequate to protect the successor against the act of an incumbent. Blackstone had observed, that the old provisions were found insufficient. He did not oppose the bill; but doubted its effect, and feared it might increase instead of diminishing dissensions.

Sir *W. Scott* said, he looked with great anxiety at the removal of ancient usages. Such measures in the present state of the world, were not free from great danger. He should be better able to judge of the bill when it came in a regular shape from the committee; but it seemed to strike at a great principle of law, that a tenant for life should not injure his successor. He did not mean now to press his observations farther, but must call the earnest consideration of the House to the whole subject. He therefore trusted for a full consideration of all the details of a measure that might affect the security of a most valuable class of persons; and hoped that time would be given for it. The university which he represented had not yet presented any petition on the subject, but its members felt a corresponding anxiety with Cambridge. He then read part of a letter from Oxford, stating that the bill was objectionable in principle and professions.

Lord *Palmerston* did not rise to oppose the bill, but trusted that the objections to it would be done away in the committee. It related to a subject that might disturb many people's minds, when it was said that tithes were a grievous tax, though they were as much the property of the church as any property was of the landlord.

Mr. *Ponsonby* understood no attack to be made on the clergy or their rights, but thought that a bill regulating clerical property might be passed as well as a bill regulating any other species of property. With this view he would go into the committee. He was favourable to the bill, because he believed its provisions would be as beneficial to the clergy as to the other parties interested.

Mr. *Savile* considered the church property as inviolable as any other property.

Mr. *H. Martin* concurred in the principle of the bill, not more because it was agreeable to the landholder than because it would promote the interests of the clergy, whose right to the enjoyment of tithes was as sacred as that of any landholder to the lands that yielded them. From his situation he was acquainted with the interests of the church, and the sentiments of the clergy; and he was sure that the measure before the House would promote the one and meet the other.

Mr. *Lockhart* supported the bill, and replied to an observation of sir W. Scott, relative to the principle of English law, that a tenant for life could not bind his successor. Much of the prosperity of the country had arisen from an interference with this maxim. The guards in this bill were sufficient to prevent injury to church property.

Mr. *Brougham* said, that the principle of the bill had his support. He denied that any attempt was made to alarm the clergy.

Mr. *Newman* understood, when he undertook the measure, that it would be agreeable to the clergy, and would promote their interests. He had consulted their rights and wishes more than that of the other class, whose property his bill might affect. He was averse to delay in passing the bill. Much had been said of plans for relieving the poor. This measure, by encouraging agricultural improvements, would be found to be more practically beneficial than any of them.

The House then resolved itself into a committee, when the instructions moved in the House were received. After some time spent in the committee, the chairman reported progress.

HOUSE OF LORDS.

Friday, May 9.

Extents in Aid.] The Duke of Beaufort presented a petition from Bristol, against Extents in Aid.

The Earl of *Lauderdale* said, that the principle of extents in aid was attended with great disadvantage to the commerce of the country. It would be a most salutary regulation to prevent any man from being a partner in a country bank, who happened to be connected with the collection of the revenue.

The Earl of *Liverpool* agreed as to the propriety of the principle laid down by the noble earl; it was one upon which he had acted since he first came into office. During that period he had never given a situation to any person connected with the collection of the revenue, without an understanding that such person should not engage in the concern of a country bank.

The Earl of *Rosslyn* thought that a restriction to that extent would not be sufficient. If any banker in whose hands the money was lodged by the collector of the revenue, had himself such a connexion, the disadvantage would be equal. It would, therefore, be proper to extend the operation of any measure that might be introduced so as to include such cases.

The *Lord Chancellor* said, that the subject of the petition ought to be brought to the notice of the barons of the exchequer, who best understood it.

The petition was laid on the table.

Poor Laws.] The Earl of *Liverpool* rose, pursuant to notice, to move for the appointment of a committee to consider the present state of the Poor Laws, and whether any and what remedy could and ought to be applied to the evils of the system. Considering the importance of the subject, it might perhaps be proper that he should state the reason why he had not brought forward the subject at an earlier period. Observing that a committee had been appointed in another place for the investigation of the same subject, he certainly had felt desirous to see what progress would be made in that investigation before he called upon their lordships to appoint a committee of this description. Great inconveniences often arose from inquiries on the same subject going on at the same time in both Houses; and sometimes undoubtedly, that course of proceeding was attended with great advantages. In his judgment, this was a case in which it was desirable to wait to see what would be done by the committee of the other House, and for that reason he had delayed calling their lordships attention to the subject sooner. It was irregular to allude to what had been done by the committee of the other House; but whatever might be thought of their conclusions, one thing was certain—that a most valuable mass of information had been collected, of which their lordships committee might avail itself: but from all that he had heard, it would be of great importance that, notwithstanding the labours of the other committee, the subject should be investigated by a committee of their lordships. The other House had no advantages for such an investigation which their lordships did not possess in fully as great a degree. There were many in their lordships House as well acquainted with the practical effects of the system, and as competent judges of what measures ought to be adopted. It was not his intention now to enter into the discussion of the principles which ought to govern their proceedings with respect to the poor-laws, as these might be considered and discussed with more freedom in the committee; and till the committee should have made its report, it might be proper to refrain from stating any distinct opinion on the subject. And he was the more inclined to follow that course, because, however general the coincidence of opinion was as to the effects of the system, and the evils that resulted from it, there was very considerable difference of opinion as to the proper remedies. This latter point was that as to which the great difficulty existed. The difficulty was not in tracing the source of the evil, but in finding the proper remedy for that evil. It was now generally admitted, that our system of poor laws was an evil; but then it was an evil which had existed for 200 years, and was so intermixed with the habits and prejudices of the people, that remedies which might at an earlier period have been easily applied could not now be adopted. He himself knew many persons whose information on this subject was not less than their candour, who had imagined that a remedy might be found without much difficulty; but when they came to probe the matter to the bottom, and to examine the subject in all its views and bearings, they themselves admitted, that they had found their remedies either such as could not possibly be adopted, or such as were highly objectionable. Under these circumstances, he thought that it might be attended with great advantage to have the subject investigated by a committee of their lordships, if those among them, who were most conversant with the subject of the poor-laws, would attend that committee, and give up a great part of their time and serious attention to the investigation. He had conversed with several noble lords of that description, and he was happy to state that he had received such assurances as afforded the best hopes that every thing would be done that could possibly be effected. This was a subject entirely unconnected with party views and purposes: they could have but one object, and every member of the committee must be desirous to discuss the subject temperately, and with a sincere and anxious wish to find that some effectual remedy could be applied. If it should unfortunately turn out that no such remedy could be applied, their lordships would at least satisfy the public that they had done every thing that depended upon them for the accomplishment of so desirable an object. He concluded by moving, "That a committee be appointed to consider the present state of the poor-laws, and whether any and what remedy could be applied to the evils of which the system was productive."

Lord *St. John* did not rise to oppose the motion, and had only to regret that it was not brought forward sooner. This was an investigation which was likely to occupy a considerable length of time; and it might be doubtful whether it could be satisfactorily completed in the course of the present session. The committee ought, in his opinion, to include in the investigation, not only the state of the laws, but the practice also; and to consider whether alterations might not be beneficially introduced in both: and whether some means might not be found to afford a more effectual relief to those who were the subjects of the poor-laws, and at the same time to diminish the weight with which the system pressed upon the community. Much of the present pressure arose from the particular situation in which the commerce and agriculture of the country were at this time placed. The investigation, however, could hardly fail of being productive of great advantage.

Lord *Holland* said, that if none but those who were conversant with the details of the business ought to be heard upon it, then he ought to give no opinion; but though he was not peculiarly conversant with the details of the poor-laws, yet he knew enough of their tendency and effects to enable him to say, with some confidence, that the motion of the noble earl, if followed up with diligence, and a proper desire to provide a remedy for the evil, would be one of the greatest boons that could be conferred on the country. He did not wish to speak now of the causes of the calamities under which the country laboured; but great as the other calamities were, there was nothing that pressed so heavily upon the nation as the poor-laws. He did not intend at present to go at all into the general discussion, but they had lately heard much of the visionary schemes of persons who were called Spenceans; but the real Spencean system was the system of the poor-laws. The system originated in the purest motives; but it had been attended with the most dreadful effects on the population, morals and industry of the nation. The principle of the system was this,—the rewarding of idleness and vice at the expense of industry and labour; and the giving to certain individuals an inordinate and oppressive control over the lower orders of the community. No evils were greater than those which resulted from the poor-laws, and no time was better calculated than the present for an attempt to relieve the country, to a certain extent at least, from so pernicious a system. He agreed with the noble earl, that the great difficulty consisted in devising a proper remedy, and that the appointment of a committee was the best mode of meeting and getting over that difficulty; but he thought that a remedy might be found, if it were one, which might be left to operate gradually. The rev. Joseph Townsend had, in a pamphlet which he had published in 1786, suggested a remedy which, though it might be impossible to apply it exactly in the shape in which it was stated in that pamphlet, might with some alterations, such as the extending the time beyond a period of 10 years, be rendered sufficiently practicable. These, however, were matters for the consideration of the committee. This was a time of pressure, and the most proper time to look these permanent evils in the face, and to endeavour to apply a remedy if possible; and if the committee could not complete its labours satisfactorily by the end of the present session, it might, and he had no doubt would collect a mass of information which would be extremely valuable for the purposes of any subsequent investigation.

The motion was agreed to, and a committee appointed.

HOUSE OF COMMONS.

Friday, May 9.

MILITARY FLOGGING.] Mr. *Manners Sutton*, adverting to the questions which had been put to him yesterday, by an hon. baronet, respecting the case of a private in the 13th light dragoons, availed himself of the earliest opportunity to state, that he had made some inquiries, but was not yet fully apprized of the facts of the case. It would, however, be satisfactory to the House, to know, that on Tuesday last the adjutant-general wrote a letter from the war office, in order to ascertain the truth of the statement which had been read in the paper to which the hon. baronet had referred; but no answer had been yet returned. It was impossible, therefore, to give any farther explanation at present; and he had merely troubled the House with these few words, to show, that from whatever quarter such representations might come, there existed every disposition on the part of his royal highness the commander-in-chief to institute immediate inquiries.

Roman Catholic Question.] Mr. Grattan, previous to submitting his motion to the House on the subject of the Roman Catholic claims, moved, "That the petition of the Roman Catholics of Ireland, presented on the 26th of April, 1816,* be read." The petition was read by the clerk accordingly. Mr. W. Elliot next moved, that the Petition of the Roman Catholics of England, presented on the 21st of May, 1816,* be read; which was also done.

Mr. *Grattan* then rose, and said:—Having been applied to by the Roman Catholics of Ireland to bring their case under the consideration of the House, I shall now proceed to discharge the duty I have undertaken. But, Sir, it is not my intention at present to go into this important question. I shall entreat the indulgence of the House to hear my sentiments fully by way of reply. Upon a question of this sort, which has been debated in this House so often, it would be monstrous presumption in me to expect to be heard twice in the course of one night; I shall, therefore, request the indulgence of the House for my reply, and shall now trouble gentlemen but for a very few minutes. The resolution I intend to move is, for a committee to take the laws affecting the Roman Catholics into consideration. It is the same motion which was carried in 1813, and does nothing more than pledge the House to examine the penal laws, with a view to relieve the Catholics—to give every security to the protestant establishment—and ultimately, to impart satisfaction to all ranks and orders of men in the empire. I say, ultimate satisfaction; because, in such a question as this, the hope of giving immediate satisfaction to every order of men is a matter of utter impossibility; and, therefore, the House must legislate to the best of its judgment, with a view to the ultimate satisfaction of one party, and the immediate relief of another. I have read the report, which my hon. and most useful friend (sir J. C. Hippisley), has presented to the House, which has clearly shown you, that, in all the great countries of Europe, there are a civil and military toleration, incorporation, and qualification, for all religious sects—that there is, in nearly every state of Europe, a certain connexion between the clergy and the government, so as to preclude the danger of foreign influence; and that England is almost the only country where such an arrangement has not yet been made. I beg to observe, that there is now every reason to hope—that there is no reason to doubt—but that securities may be had, and such securities as the House will perhaps think desirable. There may be domestic nomination—there may be a *veto*—there may be both! Now you may command your own securities; and, therefore, let not gentlemen say, "we cannot accede to Catholic emancipation, because we have no securities." The question is, will you endanger the safety of your own church, in order to exclude the Catholics from the constitution? You now have securities, both for church and state, at your command. If you exclude the Catholics—if you keep from them civil and military rights—will you not say, that you will exclude the Protestant church and the Protestant settlement from security? That is to declare, that you will prefer to the securities which your fellow-subjects offer, and which have so often been represented as necessary to the safety of the church and state, a monopoly—the monopoly of power—the monopoly of seats in parliament—the monopoly of civil and military offices. Is it not to say, that you will prefer this power, not to the freedom of your Roman Catholic fellow-subjects, but to the security of the Protestant church? So that it will appear, that, having called for securities, in order to justify you in granting liberty, you now refuse them, when offered, and exclude the Catholics, in order to prevent them from participating in that power which they were expected to share. I beg leave to say, that the present question is not about the means by which securities may be effected. I will not debate that point. The question is, whether any securities whatever will be received? Let me tell you why. There is a communication between the pope and the Catholic clergy, which must end either in incorporation with the see of Rome, or connection with the government of England—and, if the latter be refused, it will be dangerous to the safety of England. You will have the Catholic clergy incorporated with the see of Rome—and the catholic laity disincorporated from the people of England. I shall move to go into a committee to move the repeal of the laws that disqualify the Catholics from civil, military, and naval power, subject to such arrangements as may be judged necessary for the safety of the Protestant religion, the act of settlement, and the government of great Britain—that is to say, subject to such provisions as you will feel necessary for the security of your church and state.—That, if you choose to adopt the resolution, you may show to the world, that you have ceased to be the only great country in Europe that withheld those rights—but that you are ready to give franchises—that you are willing to grant a participation in the benefits of your constitution, to your Catholic fellow-subjects. This will acquit you with regard to your having a just idea of the principles of liberty—whilst the securities you will receive, will effectually protect your civil and religious privileges. Give to the Catholics all they require, taking care that your church is properly protected. This is the principle on which the question will stand, and the point which you must ultimately concede. With respect to safeguards, I think it is clear, that there is no man, when he procures rights, which he considers inestimable, that ought not to give you those securities which, while they do not trench on the Catholic church, afford strength and safety to the Protestant religion. I shall now move—

---

* See Vol. 34, pp. 11, 655.

"That this House will resolve itself into a committee of the whole House, to take into its most serious consideration the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland; with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects."

I beg, just to say this—that my idea is not, in any degree whatever, to put it out of the power of this House, to insist on full satisfaction relative to the proffered securities, before they proceed to legislate; so that nothing that shall occur in the House, either now, or at any future period, shall be considered operative, unless the House be perfectly satisfied that the securities offered will insure the safety of the protestant church and state.

The motion having been seconded by Mr. William Elliot, and put from the chair,

Mr. *Leslie Foster* rose and said:

Sir; It has been the lot of the right hon. gentleman to present this question to the House in successive sessions, under various forms. This variety, it appears, is not yet exhausted, and the claims of the Roman Catholics have assumed upon the present occasion, an aspect different, in some important particulars, from any that they have hitherto exhibited. In the last year, the Catholics of Ireland were divided into two parties; the one, principally consisting of their lay aristocracy, and those under their immediate influence, presented a list of a few hundred names; the other included their clergy, and the persons present at the various county and aggregate meetings which were held, and, it may be asserted, in truth embraced the great mass of the Roman Catholic population. The first class, in return for emancipation, were ready to acquiesce in any arrangements or regulations that should be found not inconsistent with their religion. The second, and more numerous, would hear nothing of regulations. The different securities which had been suggested, were by them considered as so many forms of insult, and unqualified emancipation alone was, in their opinion, worthy of acceptance: the smaller party were by them denounced as betrayers of the cause; their petition was denominated a scandalous document, and, as I am informed, was condemned in Dublin by a Roman Catholic archbishop from his pulpit. The proposed security which excited all this indignation, was the concession of a *veto* to the Crown in the nomination of their bishops.

To-day we hear nothing of the smaller party. They observe a prudent, and perhaps, a necessary silence; but we are distinctly told that the great body of the Catholics, rather than agree to the detested measure of the *veto* under any form, prefer to continue without emancipation. I appeal to the right hon. gentleman, whether he does not know this from the letters which have been addressed to him; I appeal to an hon. baronet whom I see near him, whether he does not know it from the instructions and commands which have been imposed upon him; and I appeal to both, whether they do not know from the result of all the public meetings which have been held, that such is at present the feeling almost universally, of the Catholics upon the subject. They come forward, however, with a new offer, and propose the domestic nomination of their bishops, as an all-sufficient security to satisfy every Protestant apprehension. On a former night, when the petition was presented, we were informed that the Catholics are at this time in a peculiar disposition for arrangements; but it was afterwards distinctly acknowledged, and will not now be denied, that all their readiness is confined within the narrow limits of this offer:—they are ready to appoint their own bishops, and the pope is ready to give up his claim to their nomination. And this is their proposal.

I should proceed, Sir, to submit my view of the total inefficacy and inadequacy of such a measure to confer the security which any reasonable Protestant requires, but I must first perform the preliminary task of endeavouring to explain the delusive nature of the offer. It proposes no new thing,—it proposes merely that the bishops should be appointed for the future in the same manner as they have been in fact appointed hitherto. The nomination of the Roman Catholic bishops has been for a long time as practically domestic as any possible arrangement can now render it. When a see is vacant, a recommendation is forwarded to Rome, from Ireland, of the individual who is to be appointed, and I understand that, within the time of memory, there have not occurred more than two or three instances of any difficulty in confirming the choice of this domestic nomination. The persons who thus nominate to Rome are, as I understand, a certain number of the Roman Catholic bishops; how they are selected I do not pretend to know,—latterly it is said that by mutual courtesy they recommend, as of course, the coadjutor of the deceased bishop. This coadjutor is selected by the bishop in his life-time. The transmission of the episcopal rank in the Irish Roman Catholic church is therefore in practice a mere matter of testamentary bequest, every bishop taking his office under the will of his immediate predecessor in the see. Some persons I know propose that the election shall hereafter be made by their deans and chapters: the bishops I should think, would hardly consent to such an alteration; but if they should, the new mode will neither be more domestic, nor more conducive than the present, towards giving satisfaction to a Protestant; nay, it may even be supposed that the nature of the canvas, to which such elections must give rise, would be peculiarly unfavourable to the habits which the clerical character requires; and that, in some instances, the candidate might be indebted for his success rather to his talents for political agitation, than to a reputation for a tranquil, a charitable, and a religious demeanor.

A more complete system of domestic nomination, however, cannot be proposed than that which exists at present. You can vary its form, but more domestic you cannot render it. The proposition, then, of domestic nomination is distinctly this, —that the Protestants and Catholics having each much to require and much to give up, the Protestants are to cede every thing that remains, and the Catholics are to make the single concession of remaining exactly as they are; or, in other words, that, in consideration of our former repeal of the whole penal code, and of their admission to all civil privileges, for which no one concession was obtained; and, in further consideration of their being now admitted to a complete participation of political power, they are ready to acquiesce in this single but important regulation of their ecclesiastical discipline, that for the time to come their bishops shall be appointed in the same manner as they have been for time past.—Is such a proposal delusive, or is it not.

Let me suppose us to act on such an arrangement, and let us discover if we can, in what way we should be secured. But first, it is necessary to examine the nature of the danger which it is to meet. The Protestant sees with apprehension four millions of our people still mainly dependent for their habits and opinions, and more particularly for their impressions of the religion and government of England, on a great body of ecclesiastics, whom the fatal and mistaken policy of our ancestors had treated in such a manner, that it was not in human nature to expect that those ecclesiastics should make their flocks very much attached to the government from which that treatment proceeded. The Protestant sees that body of ecclesiactics, who, till lately were under absolute proscription, still an insulated and an unacknowledged, but most formidable power within the country, totally unconnected with the state, studiously independent of it, unattached to it by any of the ordinary motives of human conduct, but acting all the while on the education, the morals, the habits, the opinions, and conduct of the greater part of our population, more extensively than the legislature and executive powers united;—it is their own boast that they can do so, and I am forced to acknowledge the melancholy truth. The Protestant sees further this great ecclesiastical community, so powerful in command, itself submitted with unlimited devotion to the orders of a comparatively small portion of their own body,—I mean their bishops; and these again acting with an unanimity and steadiness in asserting their authority, and extending the common interest of their order, not inferior to any thing in the example of Papal Rome itself.—I am far from blaming them for so doing;—in their place, I should act, no doubt, in the same manner.—It is the nature of every great corporation to infuse a strong zeal into its individual members, for the advancement of its interest and power; and certainly of no other corporation that the world has ever seen, may this so truly be observed, as of the great ecclesiastical body of the church of Rome. —In Ireland the Protestant sees a number of the Roman Catholic bishops meeting annually at Maynooth, primarily for the regulation of the seminary; but he well understands that they do not separate without accomplishing the second, but more important object of taking common order for the concerns of their church; due deference being paid to the recommendations of a committee so conveniently assembled.—Upon more urgent occasions he sees the whole body of their bishops meeting in synods convoked by their own authority, and promulgating whatever decrees upon whatever subjects they think proper, whether it be a declaration of their own resolution to submit to martyrdom rather than comply with the enactments of a law at the time in progress through the British senate; or whether they take a wider range, and discuss the merits of the gallican concordat, censuring its principles, but justifying their adoption as a necessary compliance with the dreadful necessity of the times.

Sir, the Protestant sees in this *imperium in imperio,* an anomaly which I shall presently endeavour to demonstrate is not permitted to exist in any other country, Protestant or Catholic. And when he looks around amongst our population for that extended charity and peace, that respect for British law, that attachment to British connexion, which forty years of conciliation and concession, the repeal of the penal code, the communication of civil privilege, and the grant of pecuniary endowment for education might naturally be expected, ere this time, to have produced; he looks in vain, and sees nothing but what tends to increase his dissatisfaction and his fears. He sees our people in too many districts acting in avowed defiance of the law, subverting the very foundations of society; and he sees them, when finally overtaken by justice, heroically ready to meet their fate, firmly convinced that they are dying in a good cause; while their associates, instead of regarding their punishment as a sacrifice to the offended laws, view it rather in the light of the ordinary operations of a campaign; and while their superiors are hoping that the examples of so many executions may strike a salutary terror into the guilty, they are no less congratulating themselves that the cause has lost only so few of its supporters.

Let me not be misunderstood as imputing to their clergy the origin of these evils. They are the fruits of a sad course of events in Irish history, with which, through the faults of our ancestors, the Roman Catholic religion has been inseparably interwoven. I wish to be understood to speak of the errors of the present race of our peasantry, as rather being a continuation of the habits of their fathers generated by the misgovernment and calamities of the times, and tremendously enhanced by the bad qualities of the education which they receive;—a supply of moral poison, for the particulars of which I need only refer to the reports of the commissioners of education. A new system, both of books and of instruction, has at length been introduced, and let us hope that the Roman Catholic clergy will be amongst the foremost to assist its operation. Upon the spirit which they manifest, its success must greatly depend. The Protestant sees further in too many districts, an increasing proscription of himself and of his creed;—he sees the Protestant tradesman systematically and simultaneously deserted by his Catholic customers;—he sees the Protestant farmer menaced in his habitation, and way-laid in his journies, until he seeks his peace in emigration, or buys it by his conversion. He sees a wide spreading system of intermarriage of Protestants and Catholics above all things encouraged by their priesthood, ending very generally in the conversion of the husband or wife, and securing almost universally the catholicism of the children. He sees, every where, from these concurrent causes, the diminution of Protestant numbers, the increasing insecurity of Protestant property, the steady career, the unbending intolerance of Catholic aggrandizement. He looks for some practical safeguard and protection for himself, when it shall be endowed (if it shall be endowed), with the new strength and powers which it seeks; and he is told, to be of good cheer—that this all-saving security is now provided, that the influencing and directing spirit, which he considers as propelling forward all that he apprehends, is to continue exactly as it stands, as uncontrolled, as unattached, as insulated, and as alienated as ever.

Such, Sir, is domestic nomination:—a mere continuation of this moral and religious *imperium in imperio*, exactly as it stands. No, not exactly; we are to make this alteration in its relations to the state; we are to add energy and power to the mass upon which it acts, and to sharpen and strengthen the weapons which it wields. Sir, such an arrangement is not our security, but our danger.

But the Roman Catholics declare that this is the only basis upon which they will treat, and we are told, even by Protestants, that because we have hitherto given up one half of what was sought for, and obtained no concession in return, that, albeit, we now reap the bitter fruits of our mistake; still we must, in consistency, give up all the remainder just as gratuitously, and add it to what we have already thrown away.

I know there are many gentlemen who wish to go into the committee on the avowed basis of domestic nomination, but hoping, when they get into it, to be able to manufacture something more effectual out of the principle of the Veto. I suspect that they have conceived an exaggerated opinion of the efficacy of that measure, and have formed a most inadequate idea of the hostility with which the Catholics of Ireland at present regard every possible modification of that principle. The Veto is a term well-chosen for allaying what are called the prejudices of Englishmen, and persuading them that it would confer some practical influence on the government, or afford some protection against some danger; but this is, in my mind, the whole service that this Veto ever could perform, and perhaps, all that it was ever seriously expected to accomplish by those who first introduced it to the public. I scarcely ever met with an Irish Protestant who saw in it any security whatever, and for this reason, that the attachment of the great mass of the Irish Roman Catholic population, to the English laws, and their desire to maintain the political connexion of the British islands, is, in his view, the only real security against an increase of Catholic power. Towards the production of these sentiments the Veto would never advance a single step; it merely proposes to vest a power in the Crown, harsh and ungracious even to possess, and perfectly nugatory for any practical operation.

The government could have no previous knowledge of the individual named from amongst the ranks of a priesthood with which it has no contact, intercourse, or communication. But waving even this objection, and supposing the government possessed of every means of information, it is the bishop, and not the priest, whose conduct, or whose power, or whose influence is of any real moment; for him the Veto would be a dead letter?—once a bishop, he might well disregard it,—he has done with it for ever. The moment his power of good or ill begins, any power conferred by the Veto is to end. Observe also the ingenuity of the expedient which prepares the ordeal of the Veto, just before, and not after, the manifestation of the conduct of the individual who is to be its object. Of the conduct of the priest the government can know nothing;—of the bishop, if they should know any thing to his prejudice, it will be too late.

But, Sir, it is unnecessary to pursue further the discussion of the Veto, because, in the eyes of the Catholics it is just as objectionable, as to those of the Protestants, it appears inefficacious. The Catholics meet you upon this point *in limine.* Their clergy have, within this few years, in solemn synod, declared they cannot assent to it without incurring the guilt of schism; they have, at the same time, declared their readiness to lay down their lives rather than obey any act of parliament that may attempt to enforce it; and they have subsequently resolved, that in the event of the pope being induced to assent, their own superior concern for the interests of their church would prevent their submitting to it. Even after the principles of the Veto had been recognised, and the terms of it, as contained in the relief bill of 1813, had been specifically approved of by the rescript of the pope's vicegerent, monseigneur Quarantotti, the resistance of the Irish clergy was in no degree diminished. The Roman Catholic bishop of Cloyne informs his clergy, in a published letter, "that he has read the rescript, that very mischievous document, with feelings of disgust and indignation." Another bishop declares in like manner, "that he protests against it; and that while he has breath in his body he will continue to do so." The clergy of the diocese of Dublin proclaim "their unqualified dissent from the principles which it inculcates, and which as Catholics and Irishmen they view with disgust and abhorrence." The clergy of Cork declare "that it has excited the most unprecedented alarm among their flocks; and that it tends, in their judgment, to produce incalculable mischief, if not utter ruin, to their religion in Ireland." But it is unnecessary to multiply examples in order to illustrate what no informed person will deny, the abomination in which the Veto is held by the Irish Catholic ecclesiastics. The extent to which it is detested by the great mass of the laity, a very few of their aristocracy alone excepted, is equally undisputed. The public meeting at Kilkenny declared Mr. Grattan's relief bill to be "a penal law,—a law of persecution, which, if persevered in, would shake the empire to its foundation;" and the experience of all the county meetings and all the aggregate meetings, which have since been held, proves this sentiment to be rather strengthened than diminished.

The right hon. gentleman has, indeed, admitted the extreme indisposition of these petitioners to any arrangement that rests upon this basis; but he suggests that it is for this House to legislate, and for the Catholics to obey; that it is for us to do, not what we suppose to be popular, but what we feel to be right; not what is agreeable to them, but what is good for the empire—secure of giving ultimate satisfaction, whatever feelings of present discontent may be excited. Upon ordinary occasions, there is no one, Sir, more disposed than I am, to admit that such a course is best suited, both to the dignity and duty of this House, but when you come to apply this rule to the enactment of a Veto, I am afraid you will find the case to be rather an exception, and it appears to me, that this point well deserves our most serious consideration. We must ever recollect, that almost every form of security that has been proposed, and peculiarly the Veto, applies to the clergy, and not to the laity. It is, indeed, the character of every arrangement that has been suggested for Catholic emancipation, that the concessions and privileges are exclusively for the laity;—the conditions, restrictions, and regulations for their clergy. It must, therefore, be first ascertained, that before the concessions are made to the laity, who are to receive the benefit, the clergy will afterwards fairly bear their part in performing the conditions, in consideration of which those concessions are to be granted.

This must be understood as an indispensable preliminary, before we can stir a step; otherwise we might find ourselves in the distressing situation, of having given up every thing for nothing, and incurred every danger which was apprehended, without obtaining any one safeguard which had been held forth, because, when the performance of the conditions should be looked for, the clergy would plead their conscience and their religion in bar of the fulfilment. We should then have no alternative between acquiescence in their resistance, or an attempt to enforce the law by compulsion, which would instantly and inevitably assume the complexion of a religious persecution of the worst species. And this it is which distinguishes the enactment of securities, by the mere authority of parliament, from the provisions of any ordinary statute. In common cases, the feelings of the individuals who are to be affected, may well be obliged to give way for the general good, and the common penalties of the law sufficiently provide for obedience; but, in a matter of religion, the case is different, and I can conceive no situation more embarrassing, than that of the legislature, if, after having enacted ecclesiastical securities for the satisfaction of the Protestants, and procured their acquiescence in the measure of emancipation on the faith of Catholic performance, it should afterwards be found that the necessity of refusing compliance with the law, was become a point of religious conviction, upon the part of the clergy.

Sir, it is no imaginary case that I am putting: the Irish Roman Catholic clergy never spoke out upon this subject, until a vote had actually passed this House, for going into a committee on the bill for their relief; and it is a curious fact, that the decretum of the Irish synod was promulgated in Dublin a day or two before the result of the first vote of the committee had arrived there. The synod must, therefore, have come to its resolution under the impression, at that time universal, that the large majority which had voted for the committee, would carry through the measure of emancipation, upon the terms and conditions which were proposed, and the determination of the bishops, convened in full synod, under these circumstances, was, that they could not obey such a law without incurring the guilt of schism, and that, with the blessing of God, they were ready to lay down their lives, if necessary, rather than comply with its provisions.

Suppose that law had actually passed: the laity would have had every thing conceded to them, and upon the appointment of the next Roman Catholic bishop, when you should come to apply the boasted securities, you would have had the tender of a candidate for martyrdom, in lieu of the performance of the condition, on which alone emancipation had been granted. And now, Sir, that we have the renewed assurance of the feeling of the clergy being unchanged, are we to repeat the former erroneous course, with this single variation, that formerly the legislature had the excuse of being under a mistake, but that, in the second instance, we should act with our eyes open; that formerly we should, at least, have thought it practicable to obtain the performance of the compact, but that now we should know it to be impossible, except at the expense of a religious persecution.

And would any one recommend the experiment of tranquillizing Ireland, by even the semblance of a religious persecution? but here, in truth, you would not have the semblance but the reality. If the clergy should be refractory for conscience sake, I ask you, what course would you adopt. What course could you adopt, but either to acquiesce in their refusal, or to attempt, by force of some kind or other, to carry the law into execution?—Permit me, however, to do the clergy justice for their candour; they have now told us fairly the course they mean to pursue. It is for us, Sir, to say, whether we shall be so mad as to give them the opportunity.

I hope I have made out the proposition, that if the Veto is to afford the general principle, which, in the committee, it is hoped to mould into a security, we must not rely merely on the determinations of the legislature, but that the dispositions of the Catholic clergy must be a very principal subject of attention.

Much stress, I know, is laid upon the assertion, that the Pope is favourable to the measure. How the fact is I know not. Certainly in his letter from Genoa, of the 26th April, 1815, his impression of the nature of concession upon the Veto seems to fall very short of the measure contemplated by this House; the following are his words:—"In quibus mos est candidatos sanctæ sed commendandos designare, eorum notulam exhibeant regiis ministeriis, ut gubernium si quis invisus aut suspectus sit eumstatim indicet ut expungatur, ita, tamen ut sufficiens numerus supersit ex quo sanctitas sua eligere potest." I see here no real power even of Veto:—the government are to suggest,—it is the pope who is still to judge of the weight of the objections, and these are not to be pushed too far, lest there should not be a sufficient number of individuals left for the objects of his choice. If this were to be acted on it would be an increase rather than a diminution of the papal authority. We should confer on him a positive privilege of choice, in lieu of the present habit of acquiescence in the customary domestic nomination. But, whatever may be the feelings of the Roman pontiff upon the subject, one thing is certain, that when it was believed that he was in favour of arrangements, the universal voice of all those who assembled at public meetings in Ireland declared, that they would show they were Catholics, not Papists, and therefore not bound by his authority. When it was thought the pope was of their opinion, the arrangements were treated as involving spiritual matters of high moment:—When he was, on the contrary, supposed to be inclined to yield, he was represented as compromising the interests of Irish Catholicity, which he had no right to surrender; nay, the clergy have publicly resolved that, in the event of his being deceived upon this head, their superior knowledge of their interests in Ireland will not permit them to acquiesce.

But, granting for a moment that the pope and the parliament, by a rare alliance, should overpower these difficulties, and carry the emancipation upon the basis of a Veto, let me ask, if another pope were to arise a few years afterwards, who should perchance discover that his predecessor had been in mistake, and should inform the Catholics of Ireland that they had been perfectly right in considering the arrangements as matters of religion, is it possible to doubt, after the feelings their clergy have exhibited, that they would yield to his suggestion, and leave us to the alternative of abandoning the law, or resorting to violence, in order to enforce it? I am compelled to see in these late proceedings an additional proof that political objects, and those founded upon feelings not friendly to this country, are at the bottom with the efficient leaders of the Roman Catholics; and this inference is only strengthened by seeing that even the authority of the see of Rome has failed, (perhaps the only point on which it could encounter failure) when it has attempted to draw closer the bonds of amity between Ireland and Great Britain.

When it is proposed, Sir, to go into a committee to inquire upon what terms we may safely accomplish what all admit to be a serious change in the constitution, is it too much to require that it should previously be shown to us, that some such terms are, in fact, within the means of attainment?—We are not in a committee to search for a principle, but to modify the details of some principle previously suggested in the House. I have endeavoured to show that none such can be found either in domestic nomination, or in the Veto:—and no other has been suggested. On a former occasion we were induced to go into a committee under abundant promises, that principles of security, satisfactory to all parties, would be proposed in it. The experiment was tried; we went into the committee to see what could be had, and we found nothing but a Veto. The mountains brought forth their mouse,—an object of Protestant ridicule, and of Catholic abhorrence.

It is clear to me that so long as the Catholics of Ireland continue in the feeling which has prevailed, it will be in vain to propose such terms as would make the proposition of investing them with political power, consistent with the views (I will put it on this practical ground) which have been entertained of their religion, in every part of Europe.—And this leads me to an important part of the question hitherto not discussed amongst us,—I mean the nature of the securities actually resorted to in other states. It is the more important that this should be fully understood, in order, that if the time should ever come when the Catholics of Ireland shall desire to obtain their objects upon the pirnciple of conforming to those arrangements to which the Catholics have contentedly submitted in other parts of the world, the Protestants may, on their side, be apprized of the full extent of the terms on which they may reasonably insist. It is scarcely necessary to add, that for the materials of this inquiry I am indebted to the very valuable report of that committee of which an hon. baronet opposite to me was the chairman.

Amongst the Protestant states of Europe I find but two in which Roman Catholic bishops are permitted to exist—Prussia and Great Britain.—The example of the former becomes, therefore, the more important. In Prussia the power of appointing the Catholic bishops is generally vested directly in the crown;—where the crown does not directly appoint, they are nominated by their chapters, but the election is subject to the approbation of the sovereign.—Even in these cases, however, the patronage is substantially in the crown; for we are informed, that "upon a see becoming vacant, a commissary is sent to the chapter, bearer to it of a letter from his Prussian majesty, by which it is directed to proceed canonically to the election of a new bishop, and the name of a person is stated to them; and they are informed that if it is made in his favour, it will be agreeable to his majesty; that this recommendation is uniformly conformed to; the chapter is aware, that as his majesty's approbation of their choice is indispensable the surest mode of obtaining it will be to make the election recommended; otherwise the persons successively chosen by them would be exposed to endless objections."—But this is not the extent of Catholic patronage exercised by the Protestant king of Prussia: the House will perhaps be surprised to learn, that the minister of state names the priests to vacant churches, the bishops having previously approved of their admission as candidates for holy orders. Nor does the system of Prussian securities end here.—"No bull of the pope can be published without being submitted to the examination of the minister of the interior, by whom it is modified so as to be conformable to the regulations of the state."—And further, "All synods within the realm, must, as well as their decrees, be sanctioned by the cognizance and approbation of the state."

Sir, I am far from thinking it necessary or even desirable, that the king of England should possess precisely the same powers; but if the Protestants should desire that he should have some of them, or all of them, as conditions of emancipation, I would ask what spiritual objections could make those regulations incompatible with the Catholic religion in the Protestant kingdom of England, which are not incompatible with it in the Protestant kingdom of Prussia, and throughout the whole of its dependencies in Catholic Silesia? If there were any thing essentially incompatible with their religion in such arrangements, neither the Catholics of those countries nor the see of Rome could ever have acquiesced in them. The political inexpediency of the measure is another question, and one upon which, I suppose that neither the authority of the supreme pontiff, nor of the petitioners would govern the decision of this House; but the absolute incompatibility of such arrangements with the tenets of their faith is a proposition which, after this example, no dictum of pope or propaganda can ever impose upon the mind of any being endowed with reason.

Let it not be said that a sufficient excuse exists for their acquiescence in Prussia,—that a temporal stipend is in that kingdom connected with the spiritual preferment. To this I give two answers:—first, I should propose to annex a stipend as an indispensable part of any Irish arrangement:—secondly, it is clear that the mere temporal profit of the clergy in Prussia never could have induced the see of Rome to give up the power of nomination, if that nomination were a purely spiritual right. It is the very definition of simony, "dare aliquod spirituale pro aliquo temporale;" a proceeding which I should be the last to charge upon the Roman pontiff:—it is I, on the contrary, who defend him from this imputation, which gentlemen must necessarily cast on him, if they suppose him to have given up for a temporal advantage any thing that is indeed of a spiritual nature. It is plain that what he has surrendered is a mere temporal right, in consideration (if you will) of the temporal benefits conferred upon the Prussian clergy. In the same manner he might, if he pleased, agree in giving up the same powers to the Protestant king of this country, either as an inducement to the legislature to confer political power on the Catholic laity, or in consideration of a stipend for their clergy, if that should appear to others as it does to me, and indispensable condition. In case this House, Sir, should ever enter into the consideration of securities, and think such arrangements expedient, I trust we never shall endure that any thing conceded to the Protestant king of another nation shall be refused to the monarch of these realms.

I have said, that I should not desire to see our king in possession of all the powers exercised by the sovereign to whom I have alluded; I beg to be permitted to explain my meaning. I should object to it as an undesirable increase of the influence of the Crown. In that feeling I should be satisfied to give up so much of the authority of the Prussian precedent as relates to the lower classes of the clergy; and instead of their being appointed by the minister of state, I should be better pleased to see that power exercised by their own prelates. As to the selection of the latter, if it should be thought a reasonable sacrifice to any Catholic jealousy, which might possibly be entertained if the original choice of a bishop were to rest with the government, I, for one, should not object to entrust it in all cases to their four archbishops, to choose the new bishop from amongst their own priesthood; but it must be on the express condition of the Crown having the power of translating to the sees of the greatest rank, value, and importance such of the bishops as it should prefer. This share of patronage, this ground of assurance that the general direction of the Roman Catholic church in Ireland should be in the hands of individuals who had proved themselves exempt from any ground of Protestant objection, I should insist upon as absolutely necessary for the state to possess; and in such an arrangement, coupled with a stipend proceeding from the exchequer, I should see far stronger grounds of hope for safety and stability, than in any securities hitherto discussed. I should also insist on the adoption of the Prussian regulations, in all their latitude, respecting communications with Rome, and respecting domestic synods.

If I am asked why then will I not go into the committee to discuss such arrangements:—my answer is,—because it is impossible. Every objection which the Catholics of Ireland now feel to the Veto, they would apply with tenfold exasperation to a project which they would consider as a mere purchase of the liberties of their church: besides, it would, in my mind, be indispensably necessary that the consent, both of their clergy and of the Roman see, should be secured previous to any such discussion; and no person, I believe, will suppose that any of these parties are at present in a state of mind that would tolerate such a proposition.

Permit me now to continue the view which I had commenced of the regulations adopted by the other Protestant states of Europe. In Denmark it does not appear that there is any Roman Catholic ecclesiastic of the episcopal order. The missionary priests are appointed by the bishop of Hildesheim, who exercises the delegated authority of a vicar apostolic, in relation to several states, in which he is not resident:—in all instances, their appointments within Denmark and its dependencies are certified to the civil authorities for confirmation. In Sweden there is not any Roman Catholic bishop, but there is one vicar apostolic, authorized by the diploma of the Protestant king, and exercising his functions subject to the provisions in the edict of toleration. In Holland, I should collect from the report, that there is not any Roman Catholic prelate; but it is required by the law of that country, "that no priest of that persuasion shall be permitted to exercise any of his functions, without being previously authorized thereto by a written act of consent and toleration; which act shall be granted in the towns by the burgomasters, and in the country by the supreme authority of each district." It is observable that all regular priests, and particularly the Jesuits, are absolutely excluded from this admission. What regulations are to be adopted with respect to the provinces lately annexed to the kingdom of the Netherlands, do not appear to have been as yet settled. In the state of Hamburgh, there is not any Roman Catholic bishop: the priests, like those in Denmark, are appointed by the bishop of Hildesheim, but subject to the confirmation of the senate. The government exercises the fullest authority over all publications of an ecclesiastical character, and the laws expressly prohibit all such without its previous sanction. In Saxony, the parent of the reformation, there is not any Catholic prelate, but there is one vicar apostolic; his functions seem nearly confined to acting as the confessor of the king. On a late occasion, when it was desired by his majesty to obtain the episcopal rank for the person who officiated in that capacity, it was necessary to resort to Argos *in partibus infidelium* in order to gratify his wishes. In Wurtemburg there is not any Roman Catholic bishop, but there is one vicar apostolic; how he is appointed does not appear. Of Hanover the report does not enable me to speak.

Let us now turn to Russia, the only great state in the communion of the Greek church;—a church more estranged from the religion of Rome than any of the western establishments founded by the reformation.—The pope has, indeed, quite as much reason to be jealous of the hostility of the Greek Christian, as of any Lutheran or Calvinist, sharing as he does with the latter in almost every point of their difference from the doctrine of the Roman see, and having one or two others peculiar to himself.—In his view, the Latin bishop is a modern schismatic from the authority and doctrines of the primitive Eastern Apostolic Church, and I have heard more than one Greek prelate pronounce him to be nearly as great a deceiver of mankind as Mahomet himself.—And yet, Sir, we see this Latin bishop, though still under the actual excommunication of that Church from which he has dissented, acquiescing in the sovereign of Russia's appointing directly to the only Roman Catholic see within his dominions.—I ask, are we to tolerate that a power thus recognized in the Russian emperor, should be refused to an English king?—Again let me ask, what spiritual objection can be urged?—for if it is indeed avowed that the indisposition proceeds from political motives, the pope is the last person to whom I should attend upon the subject.

I now pass to the Catholic nations, that we may inquire what regulations they have found it necessary to adopt against the authority of Rome; and here, instead of increased deference, we shall find nothing but augmented precaution. So that it may be affirmed that, with scarcely an exception, there is not amongst them any state so small or so great, so near or so remote, so enlightened or so superstitious, but that it has set itself against the pretensions of the papal see with a jealousy at least equal to that of Protestants themselves. In Austria we find the Catholic prelates appointed by the emperor;—in Hungary by the king, and in the latter country they act without waiting for any Roman confirmation:—in Austria and Hungary the coadjutors even are appointed by the Crown. As to the communications with Rome, all ecclesiastical statutes, ordinances, bulls, and rescripts, are submitted to the provincial government in the first instance, and afterwards, along with an attorney-general's opinion, laid before the supreme tribunal, by which "their promulgation is prohibited, when they are found to relate to objects not essential to the legitimate ends of government, or obnoxious to the interests of the state." In France the king has appointed all archbishops and bishops for at least three hundred years; indeed, there is reason to suppose that the right is as ancient as the French monarchy itself:—"No state maxim," says Pithou, "can induce the king of France to tolerate that a foreign power, ignorant of the true interests of the country, or whose interest may be opposite to theirs, should appoint to the prelatures. The patent of the appointed prelates and their consecration are left to the pope, but the choice of those who are to be consecrated are left to kings. This right is inherent in the Crown, it is unalienable." As to the communications with Rome, a peculiar jealousy has existed in France. So late as 1768, we find the king's advocate pressing upon the Parliament, "the pernicious principles which the encroaching disposition of the see of Rome would cause to be disseminated, if the parliament should not carefully examine every act derived from that source, before the publication should be recommended to the Crown."

Perhaps we should have expected to discover in Spain more compliance in these matters; far from it. All bishops in Spain are appointed by the king, who requires that the necessary bulls should be immediately transmitted by the pope to the newly appointed prelate. The patronage of all ecclesiastical benefices appears also to have been in the Crown, until by a concordat in the middle of the last century, reciting the dissentions that had existed between his majesty and the pope, fifty-two benefices were declared to be in the gift of the latter. On the subject of communication with Rome, we find the kingdom of Spain as cautious as any of its neighbours. Every brief, bull, rescript, or pontifical letter, must be, in the first instance, transmitted to the government for examination. Ecclesiastical persons offending against this provision lose all their temporal rights; nay, even the attornies employed are sentenced to expiate, by a ten years imprisonment in Africa, the crime of having been concerned in such transactions.

In Portugal the powers of the Roman see, both with respect to patronage and the intromission of its bulls, seem to have been matter of strenuous dispute. The Portuguese government, however, have never ceded to its pretensions; and so lately as 1811, we find a writer handed over to public prosecution for daring to defend them. The condemnation of this work by the royal censor of Portugal, contains language which we should not, perhaps, have expected from a Roman Catholic of that country: he speaks of "the iniquitous pretensions of the popes to undermine the sacred authority of kings and bishops; and the despotism of the Roman court, of which Portugal, France, Germany, and unhappy England more than the other powers, have complained." The king of the Two Sicilies would not be found upon inquiry to be much more inclined to acquiesce; but I should not feel excusable, if I were to trespass on the attention of the House, by a minute examination of the regulations which prevail amongst all the smaller states of the Catholic persuasion. I have already sufficiently adverted to those which are of the greatest consequence, and I shall content myself by referring to the report itself such gentleman as may desire further information on the subject.

We have thus, Sir, looked round Europe, and seen Calvinists, and Lutherans, and Roman Catholics, and christians of the Greek communion, agreeing in two propositions:—first, that the patronage of the higher stations of the Catholic clergy must be vested in the state;—and, secondly,—that the most vigorous superintendance must be exercised over all their communications with the see of Rome. And, therefore, when the right hon. gentleman asks, whether this nation will continue to be the only great nation that shall persist in intolerance, I say, that his question rather ought to be, whether this nation will determine to be the only one in Europe which shall consent to place the Roman Catholic religion in a situation so free from all practical control, as to form a complete *imperium in imperio* within its bosom.

And why, Sir, have all the European powers, and more particularly the Roman Catholic powers, felt it so necessary to guard against the introduction of the papal bulls, purporting to expound, from the highest authority, the faith which they themselves profess? Because there are doctrines, peculiar to papal Rome, insisted on in her early power, and never abandoned in her extremest weakness, inconsistent with the legitimate and necessary authority of governments within their respective dominions, and therefore thus guarded against by all,—or rather by all but England.—These tenets of the Roman see have long been designated by the name of the Transalpine doctrine. That doctrine, on all sides, has endeavoured, with unwearied perseverance, to establish its dominion, but on all sides it has been so vigorously repelled, that at this hour there are but two spots in Europe on which it can rest its foot; and one of these spots is the Vatican, and the other is Maynooth.—Whence, Sir, this singular result, that only in the centre of the British empire has Rome been thus successful? Because all other nations have contented themselves with regulating the Roman Catholic religion, which was practicable, but we insisted on abolishing it, which was impossible. We despised regulation, and persecution produced the effects which persecution never fails to produce upon any creed of man; the more it was assailed, the more it grew and the more it flourished. That fatal policy has long ceased to exist. Let us not, however, in embracing the wiser system of toleration, neglect those precautions of which the whole world has set us the example.

We have heard much of the tenets of the Catholic church, its councils, its dogmas, and decrees. I have never been disposed, Sir, to lay so much stress on this part of the question as appears necessary to some gentlemen. I was willing to suppose that education and the superior reason of the age in which we live, must have had their tacit influence on the Roman see; and that although a decent sense of consistency might withhold its pontiffs from formerly retracting those principles which the pride, or the power, or the ignorance of an Innocent and a Gregory had imposed upon the world, we might well compound for their becoming matters of silent omission upon their part, and of generous oblivion upon ours; but when I advert to some recent events, I am almost forced to doubt whether I have not been rather too liberal in giving them this credit. I see the order of the Jesuits restored; after all the experience of their incompatibility with the various governments of Europe—after having been expelled even from Russia—and after having been convicted by the antipathy of the human race (if I may use the expression) I see the present pope of opinion that the circumstances of Europe call for the revival of their order. I see them accordingly sent forth, and journeying after the Transalpine doctrine so congenial to their spirit, I see them following its conducting light, and departing to visit Ireland, the house over which its star has stood.

There was one circumstance more than any other which had induced me to give to the Catholic religion a credit for increased moderation. I mean its late-born toleration for the diffusion of the sacred scriptures.—I thanked it, if not for its co-operation, at least for its endurance of the efforts of that noble association, which, amidst all the glories of our country, will stand forth, I am convinced, in after ages, the brightest ornament of our times,—I speak of the Bible Society of Britain, whose spirit, like the angel described in the Apocalypse, is now flying through the midst of heaven,—having the everlasting Gospel to preach to them that dwell upon the earth,—to every nation—and kindred,—and tongue,—and people. Alas, Sir! I gave to that religion a credit which it has not deserved.—The candour and moderation which had disarmed even Portuguese and Sicilian superstition, have served but to sharpen the keen hostility of Rome. In a pontifical letter, addressed on the 29th of June last to the primate of Poland, I find the following denunciation of the Bible Society:—

"We have been truly shocked at this most crafty device, by which the very foundations of religion are undermined, and having, because of the great importance of the subject, conferred in council with our venerable brethren, the cardinals of the holy Roman Church, we have, with the utmost care and attention, deliberated upon the measures proper to be adopted by our pontifical authority, in order to remedy and abolish this pestilence as far as possible. In the mean time we heartily congratulate you, venerable brother, and we commend you again and again in the Lord, as it is fit we should, upon the singular zeal which you have shown under the circumstances so dangerous to christianity, in having denounced to the apostolic see this defilement of the faith so imminently dangerous to souls.—And although we perceive that it is not necessary to excite him to activity who is making haste, since of your own accord you have already shown an ardent desire to detect and overthrow the impious machinations of these innovators; yet, in conformity with our office, we again and again intreat you, that whatever you can achieve by power, provide for by counsel, or effect by authority, you will daily execute with the utmost earnestness, placing yourselves as a wall for the house of Israel."

The Polish bishop, it seems, had deserved commendation, but the conduct of the archbishop of Malines demanded a reproof.—The following are extracts from another bull, addressed to the latter prelate on the 3rd of September last.—"We are worn down with poignant and bitter grief at hearing of the pernicious designs not very long ago entered upon, by which the most holy books of the Bible are every where dispersed in the several vernacular tongues, and published, contrary to the most wholesome rules of the church, with new translations, which are craftily perverted into bad meanings.—But we were still more deeply grieved when we read certain letters signed with the name of you, our brother, wherein you authorized and exhorted the people committed to your care to procure for themselves modern versions of the Bible, or willingly to accept them, and carefully and attentively to peruse them.—Nothing certainly could more aggravate our grief than to behold you, who were placed to point out the ways of righteousness become a stone of stumbling; for you ought carefully to have kept in view what our predecessors have always prescribed; namely, that if the Holy Bible in the vulgar tongue were permitted every where without discrimination, more injury than benefit would arise."—The whole of this document is much too long for repetition here:—it finally enjoins the archbishop "to emulate the example of illustrious men which procured for them such honour, and consider how he might reprobate these his deeds by a solemn and formal retractation." Such, Sir, are the sentiments of the see of Rome at this time; and I know not in what they differ from those which it entertained in the first moments of the Reformation.

An elaborate work, in four volumes, has lately issued from the press of this country, to which I shall now beg leave to direct your attention,—"A Defence of the *Ancient* Faith," by Dr. Gandolphy. In general, I feel as strongly as any one the injustice of endeavouring to affix upon a large party the sentiments of an individual; but this "Defence of the Ancient Faith" comes attended by some circumstances which entitle it to peculiar credit. The publication appears to have been disapproved of, and its circulation prohibited, by Dr. Poynter, the ecclesiastical superior of the author. Dr. Gandolphy * tells us that "to this he submitted, expecting justice at Rome." To Rome he accordingly went, "where his character carried him through every difficulty, and he returned with the approbation of his works by the proper authority, that authority without whose approbation the Pope himself cannot publish." This authority it appears, was the master of Sacred Theology, and the professor of the sacred Scriptures at Rome. The former states, "that the author has undertaken to explain and illustrate every point of doctrine which has given rise to controversy between Catholics and Protestants: and, as far as it is possible to succeed, has rendered the articles of Catholic faith clearer than the light:" he adds, "that after rigidly examining the whole composition, he is far from discovering any thing in it contrary to the pure faith and doctrine of the Catholic church.

The approbation of the other censor is still more decisive: he states, "that the author has carried the war of controversy into the fortresses of the enemy; and in that land, once the fruitful parent of saints, has triumphantly raised the Catholic standard of victory over his discomfited and confuted opponents; and declares that multiplied editions of this work, so worthy to be cased in cedar and gold, will be highly advantageous to the Catholic church."

---

* Gandolphy's Address to the Public, London, October 5, 1816.

This work so sanctioned, exhibits such sentiments towards Rome, such feelings towards our established church, and such hopes and predictions of its downfal, such views of the British constitution,—as might well induce a Protestant to pause before he could admit that principles like these can safely be admitted into the guidance of our councils, and the enactment of our laws. In order fully to appreciate these principles, it would be necessary to read the whole work; but the following few extracts may, at present serve, as specimens of its spirit:—" A Catholic finds not more difficulty in assenting to any truth the church proposes to him as an article of faith, than he would in assenting to the oral testimony of God himself."—Vol. i. p. 429. The reformation was "the sinful deed of lust, avarice, and pride."—Vol. ii. p. 130. "An impious withdrawal from their mother church."—Vol. iv. p. 19. "Its sole object was to render religion less adverse to the corrupt inclinations of men." —Vol. iv. p. 23. "With the exception of what the laws of decency and society require, the reformed religion has done away every species of restraint, and the human soul is left by her more completely at large in the moral than in the physical world. She is not more controlled by precept than the actions of the savage, her own will becomes the only binding law." —Vol. ii. p. 220. The errors of the church of England are elsewhere represented "as the severest curse with which the Almighty visits the sins of the people. More mercifully does he pursue them with pestilence, fire, and sword; and yet on how many millions of our fellow subjects does the divine justice thus secretly revenge itself." —Vol. i. p. 221. In the same place the Protestant bishop of London is not very indirectly represented as "an emissary of the spirit of darkness—a disciple of the father of lies." Ibid. p. 222.—The Protestant teachers are charged with "treason against God and religion, misprision of the Gospel of Jesus Christ."—Vol. iv. p. 21. The English clergy are designated as "Pharisaical doctors of the reformed religion."—Vol. iv. p. 311. "Ye whited walls (indignation boils within me, says the author, as in the breast of saint Paul) God shall strike you."—Vol. iv. ibid.

The temporal success of the church of England is considered naturally enough as a grievous aggravation of its spiritual offence. "The ecclesiastical spoil has been already carried off. The reformer is elevated to those same dignities from whence he expelled the Catholic."—Vol. ii. p. 168. "Protestantism is observed occupied in enjoying the spoils, and in insulting the memory of those from whom she derived them."—Vol. iv. p. 395.

Some consolation, however, may be derived from the approaching downfall of the establishment. "The church of England and the kirk of Scotland have not yet sunk into total oblivion beneath the weight of time, like the reformed churches of more early date; but if we reflect upon that general cry, that the church is in danger, which has so often been raised, and the alarm excited for their fate, we may conclude that perpetuity is not a property that belongs to them."—Vol. ii. p. 201. Our Saviour is described as viewing the English church, after "having been once severed by the destructive hand of schism, with a hateful eye; as viewing the sickly sprouts which issue from its fallen, crushed, and broken branches: as the branch cannot bear fruit of itself unless it abide in the vine, so this shall wither, and they shall gather it up, and cast it into the fire, and it shall burn."—Vol. i. p. 369. "The French Revolution was the child of the Reformation, and the perfect copy in politics of what the other had been in religion. Similar character, similar means, similar pretexts, similar ends are discoverable in both, and both, like a raging tempest, shall convulse the world, and pass."—Vol. iv. p. 266. The establishment is elsewhere represented as being now "threatened to be razed from its foundation."—Vol. iv. p. 444. And we are then told that "the principles of Protestantism render her unequal to the contest, and she must either yield to the violence of these attacks, or again shelter herself under the immovable rock of Catholicity:—She must either resign her hierarchy, or see it again united in communion with the Catholic church."

In another part of the work we find a long and curious parallel between the authority of the Pope, and that of the king of these countries, showing that as the principle of the king's government is strength, so that of the Pope is truth.—Vol. i. p. 410. The author's views of the British constitution are thus expressed:—"In two points the British constitution is absolutely defective as a government: first, inasmuch as it leaves the head of it without the power of acting for the general good without the consent of a third party. Secondly, by leaving the monarch occasionally dependent on the passions of the multitude. I have herein hinted that the monarch is likely to be the fountain of all that is good and wise, whilst the popular part of the government promotes all that is favourable to the passions. Now one good and virtuous monarch is capable of reforming a whole kingdom, if he have the means in his power. Every nation, therefore, would have this chance some time or other, under a regular monarchy. But a popular or representative government will infallibly pull in the opposite direction, because it will always be influenced by the baser passions."—Vol. iv. p. 230. Such, Sir, are amongst the tenets of a doctor of the nineteenth century, promulgated in the capital of the British empire, and,—in the opinion of Roman censors, "worthy of being cased in cedar, and in gold,"—But I have dwelt too long upon this topic.

I know that many wish to see political power in the hands of the Catholics, from a conviction that it would naturally devolve into the hands of their aristocracy, and that they would become safer leaders of the party than those by whom it has hitherto been directed. I agree, Sir, in the opinion, that the Catholic members of this House would, in general, be selected from the ranks of their aristocracy, and no one is more thoroughly satisfied than I am of their loyalty, moderation, and good sense; but, I totally disbelieve that they would become the efficient directors of the great Roman Catholic party—they would, I have no doubt, be permitted to lead, and be hailed even by shouts of applause exactly so long as they would pursue the direction in which they should be driven; but if they should desire to lay aside their separate character—if they should be content to forget their distinctness as Catholics—if they should hesitate to move forward in the path of Irish Roman Catholic aggrandizement, I am persuaded that they would be denounced by their followers as worse than Orangemen themselves—and if their clergy should happen to lend themselves to the cry, I see not how these leaders could refuse to follow the impulse they would receive. Nor is this, Sir, a mere picture of imagination:—We have seen within these few years, lord Fingal, and others of his friends, the applauded leaders of the body; but afterwards, when they ventured to express a dissent from its proceedings, we have seen them assailed by imputation, and branded as seceders and apostates—and here their leadership expired. Equally founded in reality is the possibility which I have suggested of their clergy associating themselves with the laity in the condemnation of their aristocracy under such circumstances. In the last year, when the principal persons of their laity addressed the House of Commons in a manner which in our opinions was so honourable to their moderation—their petition was as I have said before, condemned by one Roman Catholic archbishop from his pulpit, while the very absolution which was given to it by another, indicates still more strongly the authority which their church assumed in the matter. The following is the acquittal of the petitioners, as published by Dr. Troy, the titular archbishop of Dublin:—"that inasmuch as the petitioners in stating their readiness to admit and conform to regulations, confine such readiness to arrangements not incompatible with the principles of their religion, as they respect its faith and discipline, he does not feel that they who have signed the petition, have merited his displeasure by so doing." Now, it was known to all mankind, that the arrangement to which the petitioners referred was really the Veto which the Roman Catholic bishops had declared could not be submitted to without incurring the guilt of schism—it is evident, therefore, that the saving generality of their expressions in a petition to this House alone preserved them from the "displeasure" of their ecclesiastical superior,—while the plainer declaration of what he and they equally knew to be its meaning, would have drawn down the weight of that displeasure upon their heads.

The history of Ireland presents a very remarkable instance of the lay aristocracy placing themselves at the head of the Catholic party; of their strong desire to cultivate the relations of amity with England;—of their incurring "the displeasure" of their ecclesiastical authorities;—of their consequent expulsion from power, and of the final desolation of Ireland, resulting from the measures that were pursued.—In the year 1642, when the Irish had succeeded in possessing themselves of the greater part of the country, a general assembly of Catholic deputies, out of all the provinces of the kingdom, was summoned to Kilkenny. The plan of its formation, and the outset of their proceedings, are so similar to those of the modern Catholic committee, that we must suppose the framers of the latter had the council of Kilkenny in their view. Like that committee, it consisted of their temporal peers, their bishops, and lay deputies, from the counties and towns of Ireland; and, like it, they openly protested, "that they did not mean that assembly to be a parliament, but only a general meeting, to consult of an order for their own affairs, until his majesty's wisdom had settled the present troubles." The leaders of this council were the lords Gormanstown, Taaffe, Castlehaven, Muskerry, and others, men of cultivated education, moderate talents, and a sincere disposition to make peace with England on reasonable terms, and terminate the existing disorders. When this council had concluded with the lord lieutenant, a cessation of hostilities for a year, in the view of accomplishing within that period, a lasting pacification, on the basis of concessions to the Catholics, their clergy endeavoured to prevent this reconciliation:—overborne in the general assembly, they retired into a separate synod, and from thence declared, "that they were bound in conscience absolutely, expressly, and clearly to set down in the treaty of peace, a special article for keeping in their hands such churches, abbies, and monasteries, as they were then in possession of;" that is, of the Protestant churches, which, in the rebellion of the preceding year, they had taken care universally to occupy. In vain did the assembly depute their speaker to reason with the synod, upon the consequence of clogging the treaty with a condition so impossible to be complied with. The lay assembly now came to issue with their church, and concluded peace with England upon terms, to them sufficienly satisfactory. The progress of ecclesiastical pretension becomes not a little singular. In a new synod, the clergy proceeded to declare, that all persons who adhered to the peace, had violated their oath of association, and were guilty of perjury; they then excommunicated the Catholic commissioners, who had signed the treaty, and all who were instrumental in it; and a farther excommunication was fulminated against all who should receive or pay money under the orders of the Catholic council, and against all soldiers who should act under their orders.

Nor was this an empty demonstration; the terror of the magistrates and the superstition of the soldiers reduced the council to sue to this assuming priesthood; but they sued in vain,—the synod seized the persons of the Catholic lords and other members of the council, and threw them into prison;—they then proceeded of their mere spiritual authority to appoint a new council of ecclesiastics and laymen, upon whom they could rely, and commanded that the army should be subject to their control. No description of the extent of their success can be more complete than that which is given by an eye-witness, the *Nuncio Rinuccini*, in his letter to the Pope:—"The clergy of Ireland," says he, "so much despised by the Ormondists, were, in the twinkling of an eye, masters of the kingdom; soldiers, officers, and generals, strove who should fight for the clergy, drawn partly by a custom of following the strongest side, and at last, the supreme council being deprived of all authority, and confounded with amazement to see obedience denied to them, all the powers of the confederates devolved upon the clergy."

Shortly afterwards, when the murder of the king and the usurpation of Cromwell had thrown the duke of Ormond into the hands of the Catholics, and when, for their mutual defence, he himself, aided by all the nobility of their persuasion, was heading the Irish armies against the English usurper,—in this critical juncture, the laity again besought their clergy to support the lord lieutenant, or that the whole nation would unavoidably be ruined. For this purpose, a formal letter was addressed to them, their answer to which was a solemn excommunication, whereby as they express it, "they deliver unto Satan all that should feed, help, or adhere to the lord lieutenant, by giving him any subsidy, contribution, or intelligence, or by obeying any of his commands." The immediate effect of this their reply, was to paralyze all resistance to Cromwell's invading armies, and to let in that full tide of desolation which overwhelmed them and their flocks in one common ruin.

Sir, it is impossible to deny, that, from the period of the Reformation until the middle of the last century, the melancholy history of Ireland exhibits two great parties: every thing British, and every thing Protestant, constituting the one;—every thing Irish, and every thing Catholic, included in the other;—and the possession of the land the price of combat between both. Hence arose the policy of England, to support what was called the Protestant ascendancy as being, in fact, her tenure of the country. Hence also the penal code,—hence (what ought not to be confounded with it),—the exclusion of Catholics from political power. During the last forty years a new system has been adopted, more suited to the spirit of our times, and to the better feelings of mankind. In abandoning the former policy, a very fatal error would, however, be committed, if this country should be led so far into the opposite extreme as to neglect the security, the maintenance, and, I will say, the encouragement of the Protestants of Ireland. I fear, Sir, that it is the more necessary to press this topic upon your attention, because I think I perceive a feeling in the minds of some persons in this country, that, as the Protestants have hitherto been too much favoured, so that, for the future, they should be positively repressed. I perceive also appearances in Ireland, too plainly indicating that equality is not the final term of attainment, but that ascendancy is an object not altogether out of Catholic contemplation. Hence the disposition to magnify their strength; hence, in the formal statement of their grievances we are told "that in numbers they have prodigiously increased, and are continually increasing, beyond example in any other country. Already they compose the far greater part of the trading and manufacturing interests. The agricultural class, so powerful and influential throughout Ireland, is almost universally Catholic. They occupy the most valuable positions, whether for commercial or for military purposes; the boldest coasts, most navigable rivers, and most tenable passes, the most fertile districts, the richest supplies of forage, the readiest means of attack or defence." They go on to tell you that "numerically the Catholics constitute full five-sixth parts of the Irish population; that compared with the members of the established church they are in proportion of at least ten to one,—a proportion, be it observed, rapidly advancing of late years. In every city, town, and village, their numbers more or less preponderate. The open country is in their almost exclusive occupation. The gross population of Ireland at this day, is moderately estimated by the most competent judges at five millions of inhabitants.* Of this number we may, without exaggeration, state the Catholics as amounting to four millions two hundred thousand; that is, equal to one-half of the united population of England and Wales. In fine, the Catholics are emphatically the People of Ireland."

Such, Sir, is the Catholic declaration. I quote from their statement of the penal laws. In the same manner the numbers of the Protestants are depreciated in every publication and at every meeting.—What is of yet more importance, it is sought to give them a bad name,—it is sought by every effort to impress upon this country that they are the oppressors of their peaceable and suffering countrymen. Feeling it as I do, of the utmost moment that the House should be enabled rightly to estimate the Protestant character in Ireland, may I beg your attention to the history of our origin, as well as to our actual situation?

When gentlemen are told that one-fourth of our population is Protestant, it may possibly occur to them, that the reformation proceeded in Ireland in the same manner as amongst other nations,—that it made a certain progress amongst the people, and then was arrested. Nothing can be more different from the fact—The reformation never made any progress amongst the native inhabitants of Ireland. If you were to look merely to the Irish statute book in the reigns of Henry 8th and Elizabeth, you might indeed suppose that the separation of Ireland from the church of Rome proceeded *pari passu* with that of England. But during the reign of Henry, the reality of the English sway extended but a few miles from Dublin. "His highness's rebels," as they are emphatically called in the parliamentary language of the day, were in the undisturbed possession of almost the whole island, and it was to them a matter of the utmost indifference what laws a parliament in Dublin might think proper to enact. The generals of Elizabeth cared but little for conversion, and the campaigns, by which they effected the final subjugation of the people were not of a character to soften their feelings of hatred for the English invaders. Their conquest was completed without the Reformation having advanced a single step; no ray of that illumination, which in this country prepared the minds of men for its reception, had penetrated the thick darkness in which Ireland was buried, and it still remains for us to inquire who and from whence are the Protestants of Ireland.

---

* The total population of Ireland is probably not over-rated in this estimate; but it will hardly be denied by any one acquainted with the country, that the Protestants in Leinster, Munster, and Connaught, are at least as numerous as the Catholics in Ulster. Upon such a supposition, the total number of Protestants in Ireland would be commensurate with the actual population of Ulster—a province surely containing rather more than a fourth of the whole population of the island.

Elizabeth had frequently inflicted the forfeiture of land as the punishment of broken faith: but she changed only the proprietors, not the people,—the condition of the country was nothing altered, It was James who conceived the project of changing the population of a great part of the island, and of introducing a new race of men, who, from religion and their race, and the continual necessity of self-preservation, should for ever be attached to the interests of England. The rebellion of Tyrone had furnished an excuse for considering the province of Ulster as forfeited to the Crown, and James proceeded to fill it with English and Scotch undertakers. It was an age of foreign adventure,—the establishment of colonies was peculiarly the fashion of the day, and thousands who would otherwise have emigrated to the rising settlements of America, preferred the less remote plantation which was thus offered. In a little time the northern province assumed a new aspect—the settlers imported with them the habits of previous civilization. The Irish tenures of tenancy at will, aggravated by being also a tenancy in common, containing in themselves a perfect antidote to improvement, were laid aside. Freehold leases, farm-houses, law and industry, were every where introduced, and Ulster speedily presented a picture of the results of human labour. James was pleased with his success, and he was proceeding in the same manner in Longford, Westmeath, the King's and Queen's Counties, parts of Wicklow, Wexford, and Sligo, when death terminated his designs. These are the districts which, notwithstanding the wars and massacres that succeeded, have from thenceforth continued the seats of Protestantism in Ireland.

James did not intend to drive out the ancient inhabitants altogether. On the contrary, he allowed them a certain portion of the land for their future habitation. It must, however, be acknowledged, that the measurers were the conquerors themselves—that the sword was thrown into the scale, and that the colonists took for themselves whatever was arable, plain, or fertile, and allotted to the Irish their share almost exclusively in the mountains.—The diminished numbers of the natives, reduced by their unparalleled losses during the campaigns of lord Mountjoy, and by the dreadful famine which succeeded, opposed no further resistance to these unwelcome intruders. They accordingly retired to the mountains, which were assigned to them; but they regarded the heretical robbers with abhorrence, and held themselves in readiness for exacting a bloody retribution. In 1641 they did exact it.

The population of the Protestants in their fertile plains naturally increased with rapidity, whilst that of the Catholics in the mountains as necessarily diminished,—hence are we to account for the great majority of the former at this day in the northern province; a proportion in several places so great, that I could name extensive tracts in which there is scarcely a Catholic to be found. The line between the two nations has, in later times, become less defined—many Roman Catholics have descended into the plains, principally to become labourers to the Protestants and a few Protestants have ascended into the mountains on agricultural or commercial speculations; but it is nevertheless true, speaking generally, that in the province of Ulster, and more or less in the other countries which I have specified, the Protestant holds the plains—the mountains are inhabited by Catholics,—and the two parties are, in all the essentials which constitute the character of a people, still distinct. The character of this Protestant yeomanry is peculiar and striking; with very little resemblance to that of their Catholic neighbours,—and yet not very like the nation from which they are derived;—if I might venture to express an opinion, perhaps too partial on this subject, I should say they had improved by transplantation, and that no part of these islands can produce a more industrious, or a more generous,—a more intelligent and loyal population. The casual observer can easily distinguish these districts from those of the West and South by their superior improvement.—Let not this, however, be too hastily assumed as a circumstance of disparagement to the latter;—

the northern districts have had all the advantage of the skill and knowledge of the early settlers, and what is of more consequence were afterwards, by the religion of their cultivators, exempted from the barbarizing operation of the penal code.

It is a part of the system to endeavour to bring these people into discredit, to represent them as an Orange faction, as men leagued for unconstitutional purposes, and thirsting for the blood of their Catholic fellow-subjects. I deeply regret that we should have any distinctions of this nature;—I wish we had neither Orangemen nor Ribbandmen: but after expressing my regrets at their existence, and my hopes that their own good sense will finally extinguish them, I cannot therefore acquiesce in the unbounded misrepresentation that daily takes place upon this subject. The spirit of the northern Protestants, for a great number of years, has appeared to me almost entirely defensive. I can speak on this point from some opportunities of observation, from a long knowledge of the districts to which such feelings are principally attributed; and I can declare that among the very numerous trials which the unfortunate feuds of Protestants and Catholics have brought under my view, I can recollect but a single instance in which the Protestants were the aggressors.

Such infinite misrepresentation has prevailed upon this point, that I hope I shall be permitted to describe the true nature of these unfortunate dissensions. Ever since the battle of the Boyne, this Protestant population has been in the habit of its annual commemoration.* Their forefathers, who were contemporaries with that event, saw in it the confirmation of the titles to two-thirds of the property of Ireland, which the Catholic parliament had confiscated;—they saw in it the reversal of the attainder of two thousand five hundred Protestants, which that parliament had inflicted;—and they saw in it their own preservation from a renewal of the scenes of 1641, of which their province had been the theatre, and which many of them were old enough then to recollect as eye-witnesses. It was, in their opinion, a day much to be remembered; and on that day in each succeeding year almost the whole Protestant population assemblies in solemn processions—unarmed, in every instance that I have known:—We must all be aware how easily a pageant of this nature is continued, and with what difficulty laid aside. Of late years these exhibitions are considered as studied insults by the Catholics. The Protestants, repairing unarmed to the places of assemblage, are attacked by superior numbers,—they take refuge in a house,—they find arms there; the house is attacked and shots are fired from within. On some occasions the Protestants rescued by their friends, have sallied forth and retaliated severely on the assailants. Lives have thus been lost—and houses burnt.—This is a shocking state of society—it is right, however, that the blame should duly be apportioned.—At the next assizes the Catholics are indicted for the riot, and necessarily found guilty of the misdemeanor; the Protestants are prosecuted capitally, and it is in vain to expect that any juries will condemn them to death, when it appears they were previously attacked.

I am sure, Sir, that it is the common feeling of every one whom I address to wish that the good sense of the Protestants should voluntarily discontinue processions and distinctions, which, however harmless in their intention, produce so much practical offence; but I trust, that on the other hand, no misrepresentation of their consequences will lead this house into the dangerous mistake of considering the Protestants of Ireland in any other light than as the surest stay of British power,—the firmest bond of the connexion of the British islands in all time—past—present,—and to come.

To preserve this connexion through the medium of Catholic sentiment, rather than of Protestant preponderance, has been the generous aim of British policy now for nearly forty years. Within that time the penal code has been abolished, and the enjoyment of every civil privilege has been communicated:—if there are any Protestants who regret it, never will I share in their feelings.—To this, however, has been added the elective franchise—a great practical participation in political power,—and it is now proposed to complete the experiment, and effect a vast change in the constitution. An intimate union between the established church and the civil administration has since the revolution been considered as one of its essential principles. We are now desired to abandon that mistaken doctrine, and to view an accordance with our religious establishment as no longer a necessary qualification for administering the government; we are henceforward rather to consider our ecclesiastical establishment as a list of pensions;—to reduce the United Church of England and Ireland to the mere rank of a more favoured priesthood. All this may accord with the practical indifference to matters of religion, which prevails in some other nations, but it has not hitherto been the British constitution. We are invited, Sir, to make this trial in the hope that ambition will be disarmed in proportion as power is brought within its reach—that desire will be repressed by the nearer prospect of enjoyment—and that peace and good-will will be established in Ireland by undaunted preseverance in a course, which so far as it has been hitherto pursued has produced the contrary results.—We are invited to put our trust in the abstract gratitude of great multitudes, but to neglect the conciliation of the interests of the ecclesiastical community from which their impulse is derived.—We are told that to bind that community in any manner to the maintenance of the new order of things, by any of the motives of human conduct, would be a most unstatesmanlike proceeding;—but that for our safety we may adopt the happier expedients of insulting its members by the tender of degrading oaths,—or irritating them by a peevish opposition to their appointments;—or we may look on at the domestic process of their assigning to each other their several ranks and stations. These, Sir, are the securities which are offered. For me they are not sufficient, and I enter my protest against them.

---

* Upon the 12th of July,—the people adhering, in this particular, to the old style.

Mr. *Yorke* said, that it would not be necessary for him to trouble the House at much length; for the question at present, in his view, lay within a narrow compass. It appeared to him to be now arrived at such a point, that it was fit to decide it in one way or the other; and it had been so frequently and so fully discussed, and the general bearings of it were so well understood (in the House at least), that every gentleman must be prepared to give his final opinion upon it, and to pronounce his verdict;—that he, for one, was prepared to pronounce his own; but as it must be a sort of *special* verdict, he was afraid that it would not be in his power to satisfy either party. Some might think that he was prepared to go too far, while others might perhaps blame him for not going far enough. He would, however deliver his opinion, such as it was; it might possibly be a mistaken one, but he was sure that it was honest and sincere.

The great difficulty he had always found in the way of bringing this question to a satisfactory result, was *the foreign influence;* and no consideration could possibly induce him to yield in any material degree to the petitions of the Roman Catholics, but the prospect of security to the Protestant establishment from such an influence. When this subject was before the House in 1813, and when he before had occasion to deliver his sentiments upon it, we were engaged in war with almost the whole of Europe. Almost the whole of Europe was then under the control of our most dangerous and inveterate enemy, to whom the pope himself was not only a subject and vasssal, but personally a close prisoner. It was therefore in his judgment, a period in which the subject could not be discussed with any practical advantage whatever; it was impossible at that time to open any negociation, or to come to any understanding with the pope, on the arrangements it might be proper to make with the Roman Catholics of this kingdom; and it might be recollected that he had uniformly been of opinion, that the question never could be finally or satisfactorily decided without the intervention of the pope in some way or other.—When he spoke of the intervention of the pope, was it because he considered the judgment of the holy see of any importance whatever in the arrangement of any legislative measure, within this empire; where it was the province of parliament to make the law, and the duty of the Roman Catholics (as of every other body of subjects) to bow in obedience to it? God forbid! No; he did not appeal to papal authority (which, in his conscience, he believed was neither founded in history, or in religion, or in reason), to justify his own sentiments, or give validity to the determination of the legislature; but the persons with whom we had to deal were unfortunately of a very different opinion; they had delivered up their consciences to the pope; and the House would find that they could not treat successfully with the Roman Catholics, unless they took the pope along with them. For it might happen (as it had done before), that if the Catholics here were willing to acquiesce in any measure of security proposed for the Protestant establishment,—for instance, in the form of the oath or of the royal Veto,—the pope might ultimately reject it; and declare that no good Catholic could properly submit to such an arrangement; and in this case, the business would go backwards, and we should have to begin it over again. It was therefore highly important that this personage should be placed in such circumstances, as to render it possible to enter into some negociation with him, with a view to a favourable and practicable result; and fortunately there was at present an opening for this, which did not exist when the question was agitated before. At this moment our great enemy was overthrown, he trusted, never to rise again; a most glorious and salutary peace had been concluded for all Europe, and the pope was now *sui juris;* his holiness was now residing quietly at the Vatican, perfectly master of his own actions, and there was now every reasonable facility of opening such a negociation with him as might be advisable, in the same manner as with any other independent potentate. In formerly giving his opinion upon this subject he had always said, that he thought it could only be usefully taken up when the pope was master of himself. This was now the case; and no person could therefore justly accuse him of any inconsistency in his sentiments.

The question, then, appeared to stand on more favourable ground, with respect to any communications that might be necessary with the holy see; it also appeared to stand more favourably with respect to the petitioners themselves. *First*, they stated that they were now willing to acquiesce in the form (at least in the substance) of the oath proposed in the bill of 1813. If, then, they were ready to abide by that oath, and if the pope would authentically declare that it was such an oath as a Roman Catholic might conscientiously take, so far as the security of an oath went, he would be satisfied with it.

The *second* point was the nomination of the bishops. As to this, it was certainly essential, in his opinion, to take away from the pope the virtual nomination of the Roman Catholic bishops in this kingdom; whether this was done by (what was commonly called) the Veto, or otherwise, did not seem to him so material, provided the arrangement was likely to give full satisfaction on the subject of security. The material point was, that the appointment to bishopricks should be national, substantial, and independent of the see of Rome; and he was surprised that the Irish bishops, in particular, had not sooner recourse to the principle of domestic nomination. If he understood the petitioners correctly, they offered that their clergy should swear, that they would not elect any person to be a bishop but one of the king's natural born subjects, of pure morals and approved loyalty, and in all respects proper to fill the office; and he, for one, should expect that the election, whether capitular or otherwise, should be fair, not too numerous, and under due regulations; above all, it was *essential*, in his view of the subject, that the pope should bind himself unequivocally to consecrate or institute the person so elected and presented to him, as a matter of course; and it would be still better if his holiness could be brought to agree finally to delegate his supposed power of institution in Ireland, to the four titular archbishops of that country. If this plan of domestic nomination should be adopted, he would feel inclined not to object to it; for he never was one of those who considered the adoption of the Veto (as it was called) as a *sine quâ non*, as he could conceive that in some respects it might not unfairly be deemed objectionable. If the *foreign* influence and *foreign* interposition, in this instance, was taken away or rendered merely *ministerial*, and the nomination of Roman Catholic bishops in Ireland was rendered purely national, he was not inclined to forbode more danger to the church establishment from it, than from the mode long since authorized and pursued in Scotland, where the ministers of the kirk were, as he understood, elected or appointed from among themselves, without any interference whatever on the part of the government.

There was a *third* point, which was also material, in his opinion, with reference to security, but which was not taken notice of in the Roman Catholic petitions; he meant that of the *regium exequatur*, or *regium placitum;* that is to say, an admission of the right of the Protestant government to inspect all bulls, rescripts, and other documents coming from Rome, previous to publication, and of authorizing it (except in such cases as might relate merely to points of conscience), in the same manner as in all the other states of Europe, Catholic or non-Catholic; as was proved by the report of the committee in the last session. He did not imagine, however, that any rational Roman Catholic could object to such a provision of security; to which he, for one, at least, looked forward as an *essential* part of any arrangement that was to be entered into upon this most important subject.

It was now material to consider what security there was that such a negociation, if entered into with the see of Rome, would produce such results as he deemed to be indispensable; and what chance there was, that such a negociation would be attended with any success whatever. As to this he would say, that whether it was thought best by those who conducted this measure to proceed by way of bringing in a bill, or by resolutions in the committee, he was most decidedly of opinion, that no measure ought to be suffered to take effect, without the most authentic information from Rome on the three points mentioned, viz. the *oath*, the *nomination of bishops*, and the *regium placitum*; namely, that the pope had agreed to sanction the arrangement in these respects substantially and satisfactorily, if not *in hæc verba*. Without this, he would not proceed one step in final legislation on this subject. He understood the Roman Catholic bishops had offered, themselves to apply to the court of Rome, and to endeavour to obtain its sanction; but for his part, he did not approve of this; and he did not choose that the Roman Catholic bishops should approach their lord and master, the pope, on this occasion, with cap in hand, and waiting attendance at the door of the papal antichamber, in the form of supplicants; he would have the negociations fairly and openly carried on in a regular manner, by those who administered his majesty's government, and if necessary, a clause might be introduced to authorize such an intercourse, as being expedient towards producing a final and satisfactory adjustment. But in any case, whether the House chose to proceed by bill or by resolutions, it ought to be a *sine quâ non*, to provide that the measure should have *no effect whatever*, until a satisfactory and authentic declaration had been obtained from Rome; and on this, the *final* adjustment should be made absolutely and unequivocally to depend. As to the probable success of such a negociation, he thought the pope was, at this moment, so situated, with respect to this country, and owed it so much in point of gratitude and proper feeling, that sanguine hopes might reasonably be entertained of a favourable result; and in any case, the *onus* would be thrown upon the see of Rome itself; and it would be seen, whether, when the British parliament had done all that it was in its power consistent with the security of the Protestant establishment, to bring this matter to a happy conclusion, and in a manner on the whole likely to be satisfactory to the Roman Catholics themselves; the pope himself would interfere to prevent it; and by his own act to deprive his faithful flock in these realms of the benefits and advantages, which they had so long earnestly sought for, and would seem to be on the point of obtaining for themselves and their descendants.

Upon these grounds and on these principles, Mr. Yorke said, that he would be ready to go into a full consideration of this important subject; and thus by some might be accused of going too far; but if the measure was to be proceeded in, he was apprehensive that by others he should not be found ready to go far enough. He would, however, be ready to go as far as he could; and would not stand upon trifles; but there never had been a chance of the Roman Catholic claims being acceded to, without some exceptions; some exceptions had been originally proposed; and some exceptions he would undoubtedly require. He would be ready to admit Roman Catholics to a participation of privileges, and into almost all offices both civil and military; but he would fairly own, at once, that he should find great difficulty in satisfying himself as to the propriety of admitting them into the efficient offices of the state, but most particularly into seats in parliament. The constitution of this country was essentially Protestant; which implied, undoubtedly, not only a Protestant king, but a Protestant parliament, and a Protestant administration. He would freely admit, however, that this principle in its full extent, had a direct reference to the real dangers which might threaten the Protestant establishment; and that if there were no longer any real dangers, the principle could no longer be carried to the same extent. But great as was his difficulty with respect to admitting Roman Catholics to the high efficient offices under the Crown, it was much greater with respect to seats in parliament; and particularly to seats in the House of Commons. Yet even on this point, he would frankly declare, that if the Roman Catholics of Ireland were like those of the same persuasion in almost every other part of Europe, he should have much less hesitation in admitting them to a full and unrestricted participation of all privileges; but with all possible regard and affection for his Roman Catholic countrymen, he was compelled to say, that he unaffectedly thought the Roman Catholics of Ireland at this day, some of the most bigotted Roman Catholics existing in the world. They were in this respect, at least two centuries behind those in France and Germany; he did not mean in scholastic literature,—for in that, he thought they might equal, perhaps exceed, their continental brethren. He would even go farther, and say that if they were like the generality of the Roman Catholics of England, he should not feel so much objection to their unrestricted admission.—He, for one, had never felt any serious repugnance to see the Howards and Talbots, the Cliffords and Arundels; or the Plunkets and Barnewalls from the other side of the water, sitting in the House of Peers; but he was sorry to say a great proportion of the Roman Catholics of Ireland, appeared to be of a different description; and he could not help dreading to open the doors of the House of Commons to them; for if such were the case, he could not divest himself of the apprehension, that in no very long space of time, nearly the whole of the representation of Ireland would become Roman Catholic; and that the consequence would be the formation of a formidable Roman Catholic party in parliament, directed to views and purposes which he did not like to contemplate, and to which he would not now allude. He was not however disposed to insist on this objection with perfect confidence, because he would wish to be guided by the opinions of the gentlemen who sat in the House for Ireland; who must know the real state of that country, and the probable effects upon it much better than he could do; and he could by no means imagine that those gentlemen, many of whom were descended from those who had established the Protestant ascendancy in Ireland, would agree to any measure which they thought likely to be ultimately injurious to those interests, and to that establishment, to which they were bound by so many ties.—But whatever might prove to be the ultimate difference of sentiments respecting the final arrangement (which was not at present under consideration), it seemed to be allowed on all hands, that it was almost impossible that the present state of things could continue much longer; in which it was obvious that so many and such great anomalies existed,—for instance, the Roman Catholics of England, were not now on the same footing as the Roman Catholics of Ireland. There were many situations, both civil and military, to which Irish Catholics were admitted, from which the English were excluded. This surely ought not to continue to be the case. He could not but consider that the present was the proper time to examine, and deliberate upon, this most important subject, when we were in a state of profound peace. It was impossible to say how long such a favourable state of affairs might last; and if the present opportunity were lost, it might not be easy to find such another.

Mr. Yorke concluded by expressing his wish, that the deliberations of the House on this important occasion, might prove fortunate and prosperous to the commonwealth. It was his earnest wish and prayer, that they might tend to the healing of our unhappy divisions, and to the reconciling one to another in the bonds of brotherly love and charity, all the inhabitants of this magnificent and flourishing empire; who would be too happy, if they were capable of knowing and valuing as they ought, their own inestimable advantages and blessings. But alas! this is far from being the case; and it would seem as if we had been disengaged by Providence from our terrible and long protracted foreign wars, only that we might have leisure, not perhaps to turn our arms (though there have been lately pretty strong symptoms of this too), but our hatred and animosities against ourselves. To a certain extent indeed this has ever been the fate of all free states; but more particularly of Britain; and it is to Britain that the sentiment which Livy has put into the mouth of Hannibal, appears to be more particularly applicable than to any other country whatsoever. "Nulla magna civitas diu quiescere potest; si hostem foris non habet, domi invenit; ut prævalida corpora ab externis causis tuta videntur, suis ipsa viribus onerantur." It would seem indeed, as if this *self-tormenting* disposition was annexed by Providence to this nation, as a counterbalance to its otherwise intolerable prosperity; and to reduce it within the common terms and limits of the felicity, perhaps of the duration, of other states. Be that as it may (though one may be allowed to hope, that general conciliation and good will, may be the effect of this measure), yet, the greater part of the House has lived too long, and has had too much experience in affairs to entertain very sanguine expectations of so desirable a result; but still the House ought to use its best endeavours to produce it. If all cannot be satisfied, if all opinions cannot be reconciled, let that at least be accomplished which may appear the best calculated to bring about a conclusion so salutary and propitious. Let this House do that which upon the whole may appear to be, most right, and most wise, and most just, and then let satisfaction and contentment follow after as they may.

Sir *J. C. Hippisley,* after some preliminary observations on the general question, adverted to the proposed measure of domestic nomination, by which the pope was to assent to a choice limited to native prelates. Whether such choice originated in the chapters of the second order of clergy, or proceeded from the Roman Catholic prelates exclusively, as had been the general usage, was a question with which he thought government should not interfere; but he maintained, that in conformity to the established principles and practice of what might be said to comprehend nearly all the nations of Europe, the Crown ought to have a decided negative in either case, upon all such nominations. He was not himself apprehensive at the present day, of the undue exercise of the assumed prerogative of the see of Rome, in maintaining her own negative upon the postulations of the national Roman Catholic clergy. During the last and present pontificates, that prerogative had been invariably exercised with the most favourable disposition towards the British government. The apostolic vicar of the middle district (Dr. Milner), in his own person afforded a notable example of these dispositions: he had been postulated thrice to Rome by the clergy of the district, and as often negatived by Rome; but it was in the persuasion that the choice was not conformable to the inclinations of the king's government:—as soon, however, as an intimation was given, that no prejudices obtained against him on the side of government, he received his institution from Rome: but we must nevertheless look back to other times, and guard against the recurrence of similar evils. An honourable member who spoke of the calamities incident to the great rebellion in Ireland, in the time of the Stuarts, had not stated that the great impelling mover of the chief part of them, was the papal nuncio Rinuccini, who presided in the great council of Roman Catholics, who commanded their armies, and resisted all attempts towards pacification. His excommunication followed, and the result was the defection of the greater part of the priesthood, and of the army, from the cause of the Catholics best affected to peace. The condemnation of the oath of allegiance by the nuncio Ghilini in later times, might have produced as great evils, if Ireland had not been better protected than in the preceding century. It was against such assumptions of the delegates of the Roman court, rather than against the abstract doctrines of the see of Rome, that every nation had, at some time or another, attempted to fix their barriers, and none more sedulously than those who professed the religion of Rome herself. Sir J. H. here adverted, at some length, to the report of the select committee on the regulations of Catholics in foreign states, in which he had presided, which some ill-advised Catholics attempted to calumniate, and to impose a belief that it was a garbled compilation, selected wholly at the will or caprice of Sir J. H. himself. To this end Dr. Milner had circulated a remonstrance, addressed to the members of parliament, in the name of the Roman Catholic bishops of Ireland; and Mr. Lingard, a clergyman of the Roman communion, had also made an effort to weaken the authority of the same report, by representing that the interests of the Catholics of the united kingdom, were not to be governed by the inapplicable authority of other states. Sir J. H. asserted, that the documents were, chiefly, the faithful transcripts of the several dispatches of his majesty's diplomatic ministers, transmitted by the orders of government; and their external evidence would best speak for themselves. He would only add on this head, that Mr. Lingard, as well as Dr. Milner, had been an advocate for that interference of the Crown, which he now so strenuously deprecates, having drawn up a plan, differing, as he himself avows, in a very small degree, from that of sir J. H. Such glaring vacillations could little serve the cause of the claimants, or tranquillize the nation at large. An hon. member (Mr. Foster) has insisted much on the works of Mr.

Gandolphy, as presenting a most revolting statement of the doctrine and discipline of the church of Rome,—and that they had been approved by the licensing tribunal of the see of Rome. The fact, however, was, that Mr. Gandolphy's Exposition of Doctrine and Discipline, stood reprobated by his episcopal superior in London, before it was laid before the Roman tribunal; and though it was equally certain he had attained an approbation of his work, from the Roman licensor of the press, it was almost immediately discovered, that no adequate examination of it had taken place, and the officer of the see of Rome was censured for the incautious manner by which he had permitted such a work to go forth under his nominal authority. The work also stands censured here; and the writer suspended from his spiritual functions, till he makes an adequate retractation of his errors. Adverting again to the several documents of the report of the select committee, which, sir J. H. observed, had procured much reputation at the several courts of the continent, and was considered as a most useful text book in their pending negociations with the court of Rome; he added, that whenever parliament seriously lent itself to a task of sweeping away those glaring anomalies, which, in reference to this subject, were spread through our statute books, this report would be found the surest and safest guide to adequate legislation. As the law stood at present, anomalies of the most conflictory nature, met us on every side. In Ireland, where the Catholic in proportion to the Protestant population, was at least three to one, the elective franchise, which was certainly an instrument of much political power, was conceded to the Catholic, together with the capacity of holding the greater proportion of civil and military offices. In England, where the Catholics are not a twenty-fourth part of the general population, those franchises were withheld from them under an apprehension of the danger of concession; and in Scotland, the Catholics by taking the same oath as in England, were capacitated to hold every office in common with the members of the establishment. Such inconsistencies was very little creditable to our municipal code, and loudly called for revision. On this question he should unite with those who called for inquiry, and inquiry alone was now asked. Without the strongest guards and securities for the establishment, he should never concede farther. It was unnecessary for him to trouble the House with a repetition of his opinions on this subject; he had long stood committed upon them with the House and the public, and should, conformably with all his former votes, now give his voice for going into a committee.

Sir *Henry Parnell* had to thank the right hon. gentleman (Mr. Yorke), who had spoken on the other side of the House, for his very valuable, cordial, and conciliating speech. He hoped to be able to satisfy him, that the Catholics were perfectly willing to do all those things which the right hon. gentleman required should be done, as the conditions on which he would give them his support. In doing so, he should at the same time be able to refute the assertion of an hon. member who spoke from the second bench (Mr. Foster), that there was nothing new in the proposed plan of domestic nomination. But before he proceeded to do so, he wished to say that the statement of the hon. member concerning the number of coadjutor bishops in Ireland, was altogether incorrect. There were at present only three in Ireland, all of whom had been appointed, as the practice was, because the bishops were themselves unable, from infirmities or age, to discharge their duties. In order to understand exactly the proposed plan of domestic nomination of all future bishops, it was necessary that the House should know the proceedings which now took place for filling a bishop's see when vacant. The bishops of the province in which he was situated, assembled together, and having consulted with the priests of the vacant diocese, named those persons as fit to be chosen by the pope for the new bishop. It had been nearly the constant practice for the pope to choose the person whose name stood first upon the list, but there was no law to compel him to do so; he had, in fact, in some few instances, appointed a person not recommended by the bishops of the province, and he possessed the power, if he chose to exercise it, of appointing even a foreigner to be an Irish bishop. It was to exclude the possibility of any such proceeding, and to render all future appointments entirely the appointments of the Catholic Irish priests and bishops, that it was now proposed that the pope should issue a concordat, by which he should bind himself to appoint no person to be a bishop in Ireland, except such a person as should be in the first place elected by the Irish clergy themselves. It was proposed by the Catholic bishops themselves, to have the following provisions inserted in every bill:—

"Provided, and be it hereby enacted, that no Roman Catholic clergyman or other person, shall be permitted to exercise any office or function of a Roman Catholic bishop in any church or congregation, who is not a native of his majesty's dominions, and who is not elected to that office by liege and sworn subjects of his majesty, resident in this united kingdom; and who shall not, in addition to the oath of allegiance, have taken the following oath:—

"I, A. B., do swear, that I will not elect or concur to the election of any person to the office and functions of a Roman Catholic bishop, whom I do not conscientiously believe to be a loyal and faithful subject of his majesty, and of a peaceable demeanour and disposition: and I swear, moreover, that I will not attempt, either by open force or secret fraud, to subvert or injure the constitution or the establishment, either in church or state; or to alter the settlement of property in this kingdom, as it has been fixed by law; and that, if, by any conversation, correspondence, or other means, I should discover or justly suspect that any other person is attempting or contriving to do the same, I will, without delay, make it known to his majesty's government."

As the pope had communicated his readiness to give his consent to this plan of electing the bishops by a larger number of clergy than had hitherto been concerned in the nomination, and also to grant the necessary concordatum to bind himself to give institution to the person so elected, all possibility of foreign influence in the appointment would be completely excluded, and the selection of a proper person would be secured by the oath just mentioned. Every thing therefore which the right hon. gentleman had said he wished to see adopted by the Catholics, they were ready do, and even still more, if in the regulations of the details for electing the bishops, any thing should be proposed to render them more satisfactory. Under these circumstances it was not at all correct for the hon. member on the second bench to say that there was nothing new in this plan of domestic nomination,—because at present the power of the pope certainly enabled him to appoint any person he pleased to a vacant see in Ireland, and because the election of a bishop has hitherto been confined to the bishops of the province, to the exclusion of the second order of the clergy. The difference in fact between the present system and the proposed one was this, that now foreign influence might by possibility prevail in the appointment of bishops, whereas by the plan of domestic nomination it was completely shut out. As to the Veto, whether or not this was preferable to domestic nomination was a fitter subject for discussion in a committee of the House, where all the details of both plans could be minutely examined. All that the Catholics now asked of the House was, to grant a committee to make this inquiry, to have their case considered by the House, and to let it be thoroughly investigated, whether there existed any reason for longer continuing the penal laws in operation against them. The hon. baronet concluded by saying, he sincerely hoped the House would not suffer this opportunity to be lost, of forwarding a measure so essential to the best interests of the empire.

Mr. *Webber* said, that he felt it his most painful but most bounden duty to give to the motion of the right hon. gentleman his most decided opposition. No qualifications, no system of arrangements that have been or could be devised, could, in his view of the question, in the least remove or mitigate the enormous mischiefs which in his conscience he believed must necessarily attend the success of the proposed measure. He therefore had little to say on the subject of those arrangements, which, strangely to him, had been thought worthy of so much consideration. He objected to them as utterly vain and illusory, and therefore as aggravating the dangers which they held out, a delusive appearance and promise of guarding against. Of those proposed, namely, the Veto and Domestic Nomination, which had been so gravely argued on by the gentleman who had preceded him in the debate, they had each of them their distinct grounds for reprobation, in addition to the general objections which lay against them. The Veto would be the deliberate and express admission of the exercise of papal power within this great and hitherto independent empire. It would be the admission of that power in the very instance in which it had been resisted, even when the Roman Catholic was the established religion; and in direct contravention to the statutes of provisors and præmunire, which still remain the forgotten or insulted laws of the land. Domestic nomination is as objectionable in principle, and more objectionable and dangerous in practice. It would establish a numerous corporation spread over the country, possessing extensive powers, still more extensive influence, independent of and unconnected with the constituted powers of the state, necessarily dissatisfied, unless the church establishment is to be conceded, and therefore under a permanent principle of sympathy with the discontented and disaffected. To accede to that project would be to concede that patronage to faction, whic his denied to your Crown. Of those arrangements, therefore, so insidiously proposed as securities, I shall trouble you no more; but of the circumstances under which, in reference to them, this question is now brought forward, there is something to observe and much to reflect on. From the folio volume which the House has published on this subject, it appears, that every state, whether of Protestant or Popish communion, whether of a free, or absolute, or mixed form of government, have found it necessary and indispensable to guard their independence against the encroaching spirit of papal power, and the dangers which ensue from it. Those dangers are of two natures, religious and political.

From the first, states that are of Popish communion, are in a great measure freed. With that system, they are in some measure identified, and when the temporal encroachments of papal ambition have not been directed against them, the religious system was capable of being a powerful support and aid to their thrones, but still against the political dangers even they were forced to guard. But states not in communion with the see of Rome, in addition to the political dangers common to all, have also to guard against the dangers growing out of the religious system of popery; and it is manifest, that in a free state in which popular privileges are to be possessed and exercised, and which when once conferred, cannot, except in an extreme case, be recalled, guards and precautions are much more necessary, than in absolute monarchies, in which all subordinate power is under the immediate direction and control of the sovereign. Under these circumstances, therefore, though so different to each, Protestant states have to guard against the two dangers, Roman Catholic states have only one to guard against. Both, however, have required and insisted on two points, which, though reluctantly, have been conceded to them, namely, the unqualified selection and appointment of bishops, and the inspection of papal bulls and rescripts. But those conditions, which in all Roman Catholic states are required, and to all Protestant states are conceded, even where an absolute form of government renders such precautions less necessary, even those to this free Protestant state are denied, and at the moment too, when high and important privileges are prayed for from your hands.

That denial I should not advert to, but to show what is the spirit of conciliation with which the unceasing demands for conciliation are accompanied. Submission to this course of conduct, as to menacing petition before, I have heard recommended as dignified procedure. I confess I do not understand such dignity. To legislate without consideration of the giddy desires or angry passions of any particular description of people, does belong to legislative dignity, because it belongs to wisdom to do so. But that is applicable only to subjects of general legislation, affecting the whole community, not to the extension of privilege to a particular portion of it. When such is sought, until very late times it has been considered that it should be sought with respect, at least, to the legislature from which it was expected, and with good reason, for the manner in which privilege is applied for, may often indicate the spirit in which it will be used. Shall we apply that criterion to the present case?

That it has been sought with eagerness, with an unremitting importunity, which never before attended the constitutional pursuit of any other public object, I am willing to overlook or excuse. If intemperance or clamour have proceeded to menacing and insulting demand, I must say that it was not with the Roman Catholics that the disposition of so treating the question originated. It has been suggested by the wild declamations of unprincipled or inconsiderate partisans, and the misrepresentations of what persons of deserved weight and authority had said in their behalf.—Hence the fallacious misapplication of terms, which, in violation of every degree of truth and candour, have now got into established use in speaking of this question. Toleration, religious liberty, are said to be violated by withholding political power—as if those terms were not applicable only to the freedom of religious faith, and the exercise of religious worship. But these abuses of terms are trifling and venial, compared with that by which this measure has been artfully and delusively designated. The term emancipation, in the outset, suggests a prejudice, and summons our best feelings to its support;—it assumes a fact, and suggests and animates arguments against it—it assumes the fact of a pre-existent state of slavery, from which to be emancipated. This term, familiarly adopted by their Protestant advocates, has encouraged them to believe that such really is their unmerited condition;—and they go about clanking their imaginary chains, and naturally seeking to break them on the heads of those who are represented to them as their oppressors. My right hon. and learned friend, the representative of the university of Dublin, was actually reported as having so spoken of their condition in debate—as representing them as standing in chains behind the backs of their Protestant fellow-subjects. I will state the words of that most able and zealous advocate of their claims, as acknowledged by himself. "They are not slaves, as some of their absurd advocates call them, but free men, possessing substantially the same political rights with their Protestant brethren, and with all the other subjects of the empire—that is, possessed of all the advantages derived from the best laws administered in the best manner of the most free and most highly civilized country in the world." This, Sir, is the condition of Roman Catholics under this Protestant government, with the addition of not only the most perfect toleration of their religion, but having an exclusive seminary for the education of their clergy, supported at a great public expense. Do Roman Catholics in Catholic states so treat or so tolerate Protestants? Some degree of toleration, but none of maintenance, has been admitted in revolutionized France, and in part of the Austrian dominions. It has been made a basis in the new constitution of the lately established kingdom of the Netherlands. But wherever it has been in any degree admitted, papal censure has followed, and condemned and remonstrated, asserting and denouncing that fundamental principle of intolerance from which all their Persecutions have arisen—"that out of the pale of their church, salvation cannot be found." See the late papal rescript, respecting permission of the use of the holy scriptures in Poland, and the inveterate opposition which in these kingdoms—even in this metropolis—they give to all schools where, under any modification, it is permitted. Such is their notion, and such their principle of toleration!—Such their construction of the toleration they claim, and of the toleration they admit. That which they claim, includes political power in its fullest extent:—that which they admit, excludes even the use of the holy scriptures.—Candour, therefore, I am bold to say, must allow that this is not a question of toleration or religious liberty, or a case of emancipation. When the penal code existed there might have been some pretence for the constructive application of that term. But that code has now no existence. It was enacted mostly in the 2d and 8th of Ann, and was finally repealed in 1793. Its name and the memory of its severities only have remained. The former for misapplication to the disqualifying statutes which were completed and made fundamental of our constitution at the time of the revolution. The latter to excite a false feeling, and to preserve and transmit hostility and vindictive resentment against the descendants of those who enacted them; who found them—as far as their agency was required, did not execute them, and finally repealed them with acclamation. No person who hears me, has felt more objection to their principle, or more regrets that under any provocation or excuse they were adopted.—But I can do so without falling into the unjust and vulgar error of unqualified condemnation of our forefathers, without taking into consideration the provocations under which they acted respecting themselves, and the motives which actuated them for the security of us their descendants.

Those laws were certainly severe and oppressive, and were meant to break down the strength of the Catholics as a party, and to compel conformity—they had nearly effected both objects, when they were repealed. It was for those purposes that they were severe. No sufficient excuse—neither is it one that they were only faintly retaliatory of tenfold cruelty, not merely enacted, but unrelentingly inflicted on the Protestants in Ireland, during the whole reign of James 2nd—or that they bore only a faint comparison to the cruelties practised by Lewis the 14th on the Hugonots for nine years previous to the revocation of the edict of Nantes—or that all was in the spirit, but far short indeed of the pains and penalties enjoined against heretics by the council of Lateran, from which no doubt they were originally taken.

It is truly painful to revive the recollection of these facts; but it would be ingratitude as well as injustice to the memory of those great men, to record and inveigh against their acts, without connecting with them their excuse—and to forget altogether, that it was for our security, not their own, that they were thus solicitous to guard and to provide. Their defence calls for this digression, and I trust will excuse it. May cause and effect on both sides be forgotten!

What the laws are which remain to affect the Roman Catholics, with the circumstances under which they were enacted—what will be the immediate effect and farther consequences which in my conviction will attend their repeal—under the indulgence of the House, I will proceed to lay before you.—For this purpose I should wish to call attention to what has been the relation of popery to this country in times past, and what have been the effects which in its successive vicissitudes it has produced. It was shortly after our great historical era of the conquest, that the system and domination of popery began. Gregory 7th. (Hildebrand) was the author of it. Before his time the popes were the spiritual heads of the Roman church only, but they took their investitures from the emperors as he did his from the emperor Henry 4th, whom he afterwards humbled in the dust. It was not until after his time that those disputed doctrines were formally recognised by the church of Rome, which have since been the ground of all the schism and animosity which have since disturbed and disgraced the Christian church. From that period until the 25th of our Edward 1st, a continued system of encroachment and struggle, ineffectually resisted, embittered the lives of the successive monarchs that sat on the English throne, and degraded the nation through the degradation of their sovereigns.

The reception and maintenance of legates with the powers which they assumed—nominally ecclesiastical and spiritual, but in their exercise (as always) having a temporal effect.—The drawing appeals to Rome, which was in fact a subjection but is still persisted in.—The donation of ecclesiastical benefices (which you are again called on to concede);—at last the monstrous claim of exemption from secular power (and which claim they have lately renewed in the Netherlands). These oppressive and tyrannical abuses, no longer to be endured, roused the resistance of a magnanimous prince (Edward 1st), and from the 25th of his reign to the 16th of Richard 2nd, there was a continued legislative struggle to oppose them. The statutes of provisors and premunire, and mortmain, followed in as quick succession as the abuses to which they were opposed, but not with equal effect. The wars of the houses of York and Lancaster, suspended ecclesiastical polemics, and Henry 8th revolted from papal dominion.

It is beside my purpose to state what were the circumstances or merits of the Reformation. Whatever they were, it is certain that the gross and increasing corruptions of the church of Rome, led the way and prepared that event, which has since so much influenced the fortunes and fate of the European world.—It has been reviled as originating in impious and adulterous motives. In the inscrutable workings of Providence, corruption and crime have sometimes appeared to have been his instruments—out of evil to produce good, and to make the works of Satan effect his own discomfiture, may serve more to exhibit his omnipotence.

They who revile the Reformation for the impurity they connect with it, at best only look at half the picture, and they entirely forget that the awful work of our redemption itself, was conducted through the instrumentality of treachery and crime; and that the apostle, whom they claim as the founder of popery, falsified and denied his lord.

This closed the first great era of popery in England.—During that long period of nearly five hundred years, the religion of the church of Rome was implicitly received, the indirect power which belongs to its construction of spirituals submitted to, and its farther encroachment of direct temporal power, ineffectually struggled against. The second era embraced from the Reformation to the Revolution. To this period I would particularly call attention, for it was that in which those laws were first enacted which you are now called upon to repeal. The wise administration of the protector Somerset gave root to the reformed religion, which the subsequent reign of Mary attacked with such sanguinary violence.—Of the horrors, which profaning the name, because, under a perversion of the principles of religion, she practised, I will spare the House and myself the pain of a recital. But I will state the short observation of Mr. Hume upon them:—"Instantly the rage of religious prosecution was let loose, and England was then filled with scenes of horror, which has ever since rendered the Roman Catholic religion the object of general detestation, and which prove that no human depravity can equal revenge and cruelty when covered with the mantle of religion." Her furious and sanguinary efforts did not destroy its infant growth. But why do I thus express myself? It did much to give it root and strength. It showed the corruptions of christianity in their natural deformity. It exhibited the milkwhite hind, not in the spots of the panther, but blotched with corruptions and stained with the blood of martyrs. Her death, and the succession of that great and glorious princess, Elizabeth, were made the instruments and means of establishing the reformed religion of Christ, and of saving what remained of the Protestants, from utter extirpation.—She did so in all the mild firmness that suited the great purpose to which she was called. I will again use Mr. Hume's words. "The queen established no inquisition in men's bosoms; she enjoined no oaths of supremacy, excepting from those who received places of trust and emolument from the public." In the 1st and 5th of her reign, were enacted the first popish exclusion. A new oath of supremacy was enjoined, which included all public functionaries, except peers. Five successive bulls of different popes, excommunicating and deposing her, kept her entire reign a continued succession of plots, conspiracies, and assassinations. As the very contrary of this has been asserted in debate by a person of great eminence and talent, and as in the appendix to a report of a late committee, it is roundly denied that such ever was the doctrine or conduct of the see of Rome, and professes also a horror at the practice, I have come prepared to state those bulls, their dates, by what popes issued and the effects which ensued from them. These machinations, conspiracies, and plots, strange to tell, she survived—and, notwithstanding the recollections of the cruelties of the former reign, the ashes of its martyrs still floating in the wind, the massacre of St. Bartholomew acted almost before her eyes, and the papal crusade of invasion approaching her shores, she carried exclusion no farther, and she retaliated not at all. In the length of time which Providence for its ends gave to her reign, she completely confirmed the establishment of that purest and mildest system of the reformed religion—the church of England. She closed her glorious reign and life, having raised her country to a pinnacle of glory, character, and security, to which it never before had reached.

In the next two reigns, no law which bears upon this question was enacted. But in the commencement of that of James another papal bull was fulminated by Clement 8th and shortly after the Gunpowder Plot was attempted and almost executed, by which the king, the nobles, and the Commons, were to be involved in one instant destruction. Of this, I shall only mention the short and emphatic observation of Mr. Hume. He says, "it was one of the most memorable that history has conveyed to posterity, containing at once a singular proof of the strength and weakness of the human mind, its widest departure from morals and most steady attachment to religious prejudices." Looking abstractedtly at the horrid purpose, Mr. Hume was right. But in this instance, as well as in his observation on the atrocities of Mary, he was in error; in the gross error that we are in at this day—that all will delusively fall into, and injuriously and unjustly to the characters of Roman Catholics, who judge them on acts which relate to their religion, on the common principles of morality or policy. It is remarkable of this most extraordinary plot, that it is the only one in this kingdom which stands uncontroverted. Why? Because the conspirators were taken almost in the fact. Do you draw from that the conclusion that none of the others had real existence?

In Ireland the accession of James under the bull I have mentioned was resisted. He colonized the province of Ulster, and it is at this moment the great bulwark of the Protestant or English settlement of Ireland, call it which you will. In this reign an event occurred there which deserves great attention. In 1613 the first parliament was called, in which Protestants or Papists were indiscriminately eligible—and what was the result? Sir Arthur Chichester, then lord deputy, writes to the secretary of state of the time, that from the interference of the Roman Catholic clergy by the threats of excommunication and of denial of the rights of the church, they influenced all the elections against candidates of the king's religion.—In the following reign nothing in this kingdom occurred to be observed on. The civil wars again suspended religious contention, and the superior energy of fanaticism bore down and dissipated for a while, the spirit of popery.

In Ireland, however, it broke out in unrestrained and unmitigated fury. In 1639 lord Strafford, then lord lieutenant, called a parliament, and in his letters it appears that the same influence exercised by the priests, again produced the same effects as in 1613. What was the consequence? After forty years of uninterrupted peace and tranquillity which ensued, O'Neill's rebellion, a sudden and general insurrection took place, commencing with a general massacre of the Protestants or English settlers, in which, as appears by the Commons Journals, forty-one of the members of that parliament were found to be personally engaged. This was a marked era in Ireland, for it was then that the Roman Catholic became completely a Popish system. The pope sent over his nuncio Rinuccini to approve and sanctify what had been done, and to direct their future operations. Under his direction the kingdom was placed, and accordingly lord Ormond and his adherents, and as many of the English settlers as could, escaped and fled. The confederated Irish then offered the sovereignty of the kingdom to the king of Spain, and on his refusal, to the House of Lorraine.

On the Restoration, hopes, and fears agitated both of these religious parties; the Protestants felt alarmed, but by the prudent conduct of the king, and the wise administration of Clarendon, they were dissipated. They were again excited, however, by the open conformity of the duke of York to popery and by the declaration of indulgence, and further confirmed by the dismissal of Clarendon. On this occasion occurred one of the most curious facts which history records, and which suggests the most of matter for reflection on the present question. The administration, of which the *cabal* was a junta of conspirators, succeeded to the downfall of Clarendon. The object of their conspiracy was the destruction of the United States, and the establishment of absolute power. But within this little band of conspirators, was another conspiracy, to which the other was only meant to be subservient, and to which, two only of its members, who were Roman Catholics, were privy. Its object, the extirpation of the reformed religion in this country and throughout Europe. This certainly is the most striking instance of what never yet has appeared to the contrary, that there can be no cordial concurrence or co-operation in administering political power from public men professing this religion, with those who do not belong to it, wherever the interests of their church can come in question. It may be asked why is this? Is it that they are men of less truth, less honour—more devoid of a moral sense of duty? No, by no means; I am far from attributing to them any defect in those qualities. But the principal of ecclesiastical subjection, which is the established discipline of their religion, and which if they do not admit, they neither are or can be Roman Catholics, necessarily gives to their church, and the principles of it, an influence over their conduct, which they cannot resist, and cannot well avow, whilst the belief in the doctrine of exclusive salvation (so leading and fundamental an article of their faith) not only causes a principle of alienation, but a most powerful motive to use any power they may possess, for the destruction of a system which they conscientiously believe as necessarily productive of everlasting perdition to its adherents. In proportion as they are virtuous, as they are religious, nay, as they are humane, must be the sincerity and ardour of that motive.

This was well, and happily, for the present occasion, exemplified in a debate in the House of Lords in the time of Charles 2nd when lord Bristol, an eminent and conscientious man, stated the opposite and conflicting principles under which he was placed. He admitted that his sense of duty as a peer of parliament called on him to vote for the measure, but that his sense of religious obligation called on him to oppose it. And what did he do? he abided by his religious obligation, as under the irresistible compulsion of the principles of this wonderful system, must always be the case with those who sincerely believe in it—and let it never be forgotten, that those who do not, deserve no consideration,—with such, conscientious scruple is pretence. They adhere to the religion for the sake of the party, not to the party under motives of religion. Looking, therefore, to the character of the other members of the cabal, I have little doubt, that horrid as we must feel their design, treacherous as we must feel their conduct, they were, however, the honestest men of the five—they acted under a more general, though perverted application of the principles of religion, virtue, and humanity; and so did the cardinal of Lorraine, when he led the massacre of St. Bartholomew, and the perpetrators of other and more recent barbarities, which I forbear from mentioning. Had Mr. Hume been less philosophical in matters of religion, he would not have overlooked the compulsory power of those tenets, which under such irresistible motives and sanctions, disarm or pervert all common principles of morals or policy.

Alas! are not we forgetting and overlooking it now, when we even entertain the discussion of this question? The test and corporation acts, the 13th and 25th of this reign, operated against the Roman Catholics, but were adopted as a general defensive measure against all dissenters from the established church. The 30th Charles 2nd was the act of this reign, which principally affected and continues to affect them. The origin and cause of enacting it deserve observation; notwithstanding the oath of supremacy enjoined to be taken by the 5th Elizabeth, it was found, that under some salvo of conscience, which the uninitiated do not comprehend, Roman Catholics are qualified both for offices in state and parliament; in short it became inoperative, and this, with the conformity of the duke of York to popery, suggested this act. This statute was the deliberate measure of wise and patriotic men, and was afterwards as deliberately adopted into the fundamental basis of our constitution.

The exclusion effected by this act, they endeavoured to extend to the throne, and failed. The attempt was the cause of the subsequent fate of the great lord Russell. He died a martyr to the civil and religious liberties of his country, but his blood was restored, and he has left heirs to his honours, and certainly to half of his principles. The whole of the remainder of this reign, was a wretched scene of conspiracy and intrigue, and public disasters; and Charles closed a profligate life and inglorious reign, not without suspicion that the event was hastened.

The reign of James which was destined to close this second period, commenced under more favourable auspices than might be expected. In his first council, he declared his resolution to maintain the constitution in church and state as by law established. He particularly and deservedly praised the loyalty and moderate principles of the church of England, and again professed his resolution to maintain it. James was known to be a man of truth and honour, and had always evinced a scrupulous regard to his engagements;—his assurances, therefore, were received with confidence and exultation, and in the confidence of their hearts his deluded people exclaimed, "that they now had the word of a king for their pledged security, and a word that never was broken." Alas! they knew not how faint was that reliance against the compulsory motives, to which their king was a slave. His profession and promises availed not; under the dominion of his jesuit confessors, he belied them all. He opened his reign by going to mass, with all the insignia of royalty: he next dispensed with tests—he erected an ecclesiastical commission, which controlled the ministers of the established church in their functions—he filled the vacant sees with Popish priests, and forced them into the precedencies of colleges—he made a Popish army: in short as Hume says, his whole reign was a continued violation of the laws and liberties of his country, civil and religious. The resistance it excited, with the powerful aid of the great deliverer of Europe as well as of this country, saved the church of England and its adherents from this second attempt at their extirpation—and this wretched, bigotted, perverted monarch, abandoned by his nobles, deserted by his army, forsaken even by his family, sneaked out of the kingdom with a meanness equal to the tyranny with which he reigned in it.

In Ireland his delinquencies were greater, supported as he was by numbers, and principles similar to his own. Urged by the passionate prejudices of his Popish partizans, he gave a free scope to his bigotted and tyrannical nature. He displaced lord Clarendon from the government, to which he appointed Tyrconnel, an infuriated and merciless bigot: he gave the seals to Fitton, at that time in prison for debt, and who had been convicted of perjury. He filled the benches with Popish judges; the army with Popish officers; appointed Popish sheriffs and magistrates; shut up the churches, and sequestered the property of the Protestant clergy. He called a parliament—this was in the year 1689: it was the third which had been elected on the plan now proposed to be restored, of indiscriminate eligibility of Protestants and Papists. The same result succeeded the experiment—the same influence of the clergy was used, and with the same effect: out of three hundred members six only were Protestant. See now what were their acts. They first repealed the acts of settlement and explanation, on which were founded the titles of all the estates of the English settlers: they next passed the act of attainder, by which near three thousand gentlemen were made subject to all the pains and penalties of high treason. Finally, they repealed the statute of Henry 8th, uniting the crowns of the two kingdoms. The miseries and persecutions which attended this state of things were still worse, and five years of the reign of this infatuated monarch, visited on the unfortunate Protestants of Ireland all the persecutions which laws could inflict, and all the persecutions which laws could not accomplish. The ruin of the Protestants, or English settlers, call them which you will, was nearly complete, when the glorious deliverer, whose memory they are accused for holding dear, rescued them from certain extermination. Shall I be charged or suspected of wishing to raise prejudice, or visit the memory of these sufferings on the Catholics of the present day? God forbid! They are as innocent of them as we are of the penal laws to which they gave rise. I wish both to be forgotten, and lament the renewed recollection of them, which these repeated discussions necessarily cause.

With this calamitous and disgraceful reign closed the second period of our relation to papal power. In the first as has been seen, the doctrines and discipline were received and submitted to, and the whole of that period was a continued scene of struggle for temporal power: first, indirectly extended under the necessary effects of its doctrines in spirituals; next, directly claimed. At length the thraldom of the religious system was thrown off. This second era (the circumstances of which I have just been stating) exhibits that state which it is now sought to make you restore; that, in which the religious and civil characters were separated—religious establishment taken away; but political power suffered to remain. As the first was seen to be attended with contention, national impoverishment, and degradation of the Crown; so the second was one of still more continued agitation, discord, and conspiracy, and consequent degradation to the national character. The third (which, thank God! we have not yet closed) took for its principle the absolute rejection of religious faith, and the most entire exclusion from political power.

The Revolution that ensued was literally founded on this principle. It was, and is, the vital spirit of it, the motive and the end. It has been argued, and very much at length on both sides, as if the whole of this great constitutional settlement was embodied in the Bill of Rights and the Act of Settlement, and much erroneous argument has been built on this strange error. The Bill of Rights, indeed, is the head and principle of the different acts which, between the first of William and Mary, and the Act of Settlement of the Crown, the twelfth and thirteenth of William, formed together the system and body of this great fundamental settlement; and Mr. Burke, speaking of that act as the representative of the whole, calls it "the corner-stone of our constitution, as at that time declared, explained, and in its fundamental principles for ever settled." You are now called on to take down this corner-stone, to unsettle that which he has declared to have been for ever settled. But, Sir, it has been delusively, and strongly and triumphantly argued, that because the Bill of Rights only provides for one part of the exclusion which the whole of these statutes embrace, that therefore no more was intended at that time than providing for the Crown being Protestant; and that the other exclusions, represented as resting solely on the statutes existing before the revolution, were little adverted to, and manifestly left for revision to future legislatures. So persons of high authority in both Houses are represented to have distinctly asserted and argued. Why, Sir, is it not monstrous, that such persons should so hoodwink themselves, and should so shut their eyes against what appears so open before them, lying together within a few pages of the statute-book!

I will state those statutes in their order, which, I will venture to say, will exhibit beyond possible question, by any candid mind, that the establishment and permanency of the Protestant character of our constitution was as much the object of the great men who framed these laws, as the declaration and security of our civil rights.

The statute of the 1st of William and Mary, cap. 1. &c. which recognizes the convention as a parliament, repeals the statute of 30th of Charles 2nd as far as relates to members of either House taking the oath of supremacy and allegiance, and substitutes other oaths in their place; and the fourth section of that act directs them to be taken, and the declaration against popery, as set forth in the 30th Charles 2nd to be made with like formalities by the members of both Houses of parliament. So that were the exclusionary statutes antecedent to the Revolution all repealed, the exclusion from the legislature would remain in full force under this first statute of that great era. First William, cap. 5, sets forth and directs the coronation oath, and enjoins the declaration against popery to be made at the same time. Cap. 8th again recognizes the declaration, and directs it to be made by all persons in office, ecclesiastical persons, and naval and military officers. So far, therefore, it is provided that the legislature, the Crown, and the government, and all its subordinate instrumentality shall be exclusively protestant. But, to show how decided was this intention and determination, they proceed, and endeavour not only to exclude popery from office and trust, but even to expel it from the land; for cap. 15 empowers justices to tender the oaths and declaration to all papists. All this, independent of the Bill of Rights, or the key-stone of them all which, commencing with the recital,—"That whereas the late king James 2nd, by the assistance of divers evil counsellors, &c. did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of the kingdom,"—afterwards makes a strict limitation of the Crown, debarring all papists, or persons marrying papists, from succession to it, and provides that every king and queen shall take the declaration against popery as contained in the 30th of Charles 2nd.

Thus you see this great exclusionary statute of 30th Charles 2nd, which it has suited the purpose of those eminent persons to treat so lightly, and to represent as so considered by the framers of the Bill of Rights, is deliberately adopted, and incorporated by them into every one of those five enactments, which, clustering round the Bill of Rights, with the act of settlement, form the code of your great constitutional charter—and altogether, with decisive and emphatic solemnity, pronounce, that the government shall be Protestant, the legislature shall be Protestant, and the King shall be Protestant.

That was the constitution which Mr. Burke said "was declared, explained, improved, and in its fundamental principles *for ever settled.*" Little did he, or any person, at the commencement of this reign contemplate, that before it should come to its close, the total subversion of this Protestant constitution would be urged year after year upon a British parliament. I say total subversion of the constitution. And, viewing the measure in this light, I cannot but lament, most deeply, that it should receive support from persons so justly exalted in station and character; in opposition to the declared judgment and conscience of their sovereign, in whose name they act, and to the known opinions, and I should hope and trust to the sense of duty of the illustrious person who rules this empire in his royal father's name. Will that illustrious person do, in his royal father's name, what his royal father has declared would be a violation of his coronation oath? the agitating thought of which, formerly urged on him, quite overcame his care-worn mind? Should that royal mind be restored to your daily prayers, shall he wake to reign under a new constitution, and over (well I may say) a different people? Will his son, his royal representative, restore his sceptre to him, and say, this, sire, I have done in your name? In your name, I have repealed the principle which placed our family on the throne. It will no longer continue there by an hereditary right qualified by Protestantism, but on the proud democratic principle of election. All this I have done in your name, by doing an act which the last words which reason permitted you to utter, declared would be a violation of your coronation oath.

Sir, this is a grave and awful part of this momentous question. I cannot doubt that the scruples of our beloved sovereign were founded on a sound and imperative sense of the just construction of that oath, so cautiously and precisely expressed in the statute which I have stated. By that oath, the person taking possession of the throne, swears, "to the utmost of his power, to uphold and maintain the Protestant reformed religion, as by law established." If by a voluntary act under his prerogative, he admits a danger or risk to approach that Protestant reformed religion, which, under the same prerogative, he has it in his power to shut out—when, without that act, the danger could not approach it, and that he is free and unfettered to do so or not—if there be any possible danger or risk in the act to be done by him, I conceive it impossible, without violation of his oath, that he can do that act. Can it be said, that there is no possible danger in admitting persons to legislate for that Protestant reformed religion, which he thus swears to uphold and maintain, who profess a religion in its tenets hostile to it, and to which it is professedly opposed? Why, in the accurate and precise use of terms, which belonged to the eminent lawyers who drew those acts, is the religion to be maintained and upheld, termed the Protestant reformed religion, rather than the more obvious appellation of the religion of the church of England? Why but to mark a contradistinction, and to point out the particular quarter where the danger lay, from and against which it was to be upheld and maintained? If there be any possible danger, can the person who takes that oath, under a due sense of its obligation, give voluntary admission to it? Will it be said, there is none? Why do all the advocates of the measure call for guards and securities? Is not the demand an admission of the danger?

One ground only remains for sophistical evasion to make a stand on. I have heard it asserted, that the oath does not apply to legislative function—wretched casuistry! Is not that peculiarly within the voluntary acts of prerogative? Executive acts belong to the responsibility of ministers; but assent or dissent being an act of the mind, must be determined within itself—does not belong to the responsibility of ministers, but belongs to the responsibility of the mind that exercises it, and is to be exercised under the solemn obligation of an oath; I see no possible loop-hole for common conscience and common sense to get out of. The oath is an insurmountable barrier to the royal assent, if a king or regent conceives that there may be possible danger in the measure—and who will say there is none?—will gentlemen then go into a committee to frame a bill which, when presented, will be a direct proposal to do what, under any construction, or by any person, can be considered as the violation of an oath? And of what oath? One, the violation of which, would dissolve the compact between Crown and people.

As the first era of our relation to popery has been seen to have been one of misery, poverty, and degradation of the Crown; as the second was one of discord, misery, and degradation of the national character; see what has been this last era which you are thus unceasingly urged to change and to tread back your steps from. I may say, without fear of contradiction from any person on the face of the earth, that it has been one of external glory and internal happiness, beyond whatever has hitherto been experienced or has been conceived attainable by human imperfection, commencing and progressive with that constitution which your great ancestors extracted from the scattered principles which the rubbish of centuries had obscured and disfigured, and moulded into system with such unparaleled ability and wisdom. For, as Mr. Hume justly says, it is absurd to look for the British constitution antecedent to the Revolution.

The laws enacted at that glorious epoch of your history which form that system, I have stated to you. They compose the disabling code, as contra-distinguished from that which justly was termed penal, and which (as has been shown) have been repealed. The disabling code is of a two-fold nature—one, constitutional and fundamental; the other, defensive of that constitution of which it forms so essential a part. Mr. Burke distinguishes between these two parts—the one as constituting the rule of that state, the other, the instrumentality of that rule. The latter, he conceived, might be safely and eligibly opened to the Roman Catholics—as a settlement to be taken as final and satisfactory, and secured against all possible recurrence of future attacks on that part which concerns the rule of the state. I should be truly happy in concurring with him. But to unsettle the Protestant qualification of what constitutes the rule of the state, he speaks of such a project as what fanatics only contend for. There I must concur with him also. I quite agree with the opinions he then expressed—that the question was closed at the Revolution, and was then *for ever settled*.

This character of perpetuity, which has been so anxiously stamped on their last great constitutional settlement, and of which the history of the times bears such decisive evidence, was given to it by those great men on a conviction drawn from long experience, of the dangerous and unchangeable nature of that system against which they meant to defend their posterity. To justify this exclusion, which they have sought to perpetuate, this system must be inherently dangerous to a Protestant state, and it must be of an unchangeable nature; it must be what they make their proud boast, *semper eadem.* To give those great men and your own safety a fair trial, you must therefore examine the system. I perceive the delicate and dangerous ground which I am constrained to tread, and therefore shall only venture to state the leading principles which constitute that inherent danger; with a few, but unquestionable proofs of its existence then, its existence now, and of its unchangeable nature.

The leading principles from which flow all the mischiefs and dangers which make the Roman Catholic system formidable to those who are without its pale—are, the infallibility of the church, the supremacy of the pope, and above all, the doctrine of exclusive salvation. From the two first arise the despotic dominion which is exercised, and the passive obedience in which its votaries submit; from the latter, the enthusiastic ardour, which by the strangest anomaly, connects itself with subjection, makes the dominion of the church paramount to all worldly dominion, and raises an ardour for proselytism, or hostility against opponents, which excites to the most zealous endeavours, and the most relentless exercise of power, by the contemplation of the extensive and sublime scheme of benevolence, which is its object, the reclaiming or subduing from eternal perdition, those who must otherwise be doomed to it: and, if their obstinacy shall be inveterate and hopeless, by preventing the transmission to successive generations, of the same pestilent heresy, and the eternal doom which awaits it.

Such, I have no doubt, were the motives which influenced the bigotted and gloomy mind of Mary; which animated the cardinal of Lorraine in leading the massacre of St. Bartholomew; and influenced the conspirators of the gunpowder plot; which stifled the most powerful feelings of nature in Philip 2nd, when he commanded and presided at the torturing execution of his own son; which made Louis 14th (a man not only of humane but tender feelings, and of chivalrous honour) revoke the edict of Nantes, and cause not to be enacted, but to be exercised, every cruelty that imagination could devise, to compel conformity, and to extirpate heresy. What else caused James 2nd of a most established character for truth and honour, to violate both by almost every act of his reign, and permit, if not direct, such relentless persecutions in Ireland against his Protestant subjects? What but the compulsory dominion of his church? and what caused such cruel interference of the clergy of a Christian church? were they unfeeling in their natures, or insensible of the feelings and duties of Christian charity? On the contrary, I have little or no doubt that they possessed both, and perhaps in a great degree; but, that it was the perversion of those very feelings and principles, which excited the violation of them; they looked to these acts, at which their natures shuddered, and lamented, whilst they adopted them, as the only means left of substituting salvation for perdition to all future generations. It was the consideration that such acts were the necessary consequences of such tenets, that caused that mild Christian philosopher, Locke, even in his Essay on Toleration, to assert, that they should be excluded from toleration in a Protestant state. Shall I be suspected of adopting his opinion in insinuating the adoption of it to others? No, I trust I am incapable of the thought: I would tolerate even intolerance, but I would not arm it with political power; to do so, would be to connive at and be its accomplice.

I have spoken only of their system as relates to its faith. On that subject a most dangerous delusion has gone abroad and influenced the opinions, or at least entered into the arguments of persons of great weight. It has been argued as if the principle of religious faith in the Roman Catholic system, related to concerns merely spiritual, and therefore should not be allowed to have influence in those of a temporal nature. There is a double fallacy in this; in the first place, there is necessarily an indirect connexion between spiritual and temporal concerns—you cannot separate religion from morals or morals from laws—and this is the fundamental principle of the connexion between church and state, which it is now sought to shake. But in the Roman Catholic system, the connexion is direct and powerful. It becomes so through the medium of their numerous sacraments, and the discipline built upon them. For instance—that of marriage—it is the foundation of legitimacy, and legitimacy of all derivative rights to property. They contract or dissolve, it at pleasure, and as being a sacrament, do not allow validity to it, unless under their own celebration. In their estimation you are all illegitimate. I will give you an instance within my own knowledge of the power their church exercises over this most consequential of human institutions. It happened between the years 1810 and 1812—their consistorial court without being moved by either party, took cognizance of a marriage celebrated by their own church and dissolved, that is declared it void *ab initio*, because, without dispensation, it had been contracted between persons related in the seventh degree of affinity. This couple were living happily together, and had three children. The man has been married again, and the woman has been turned out on the world—herself a virtuous wife without a husband—her children, though born in wedlock, bastards, and without a father. You may suppose this case a solitary one, and the arbitrary act of an unfeeling and tyrannical churchman; on the contrary, I knew him and his parochial conduct before he was a bishop—and I know not of any church a better or more humane man, or a more pious and zealous clergyman. Another sacrament (extreme unction) puts in the hands of their church an irresistible power. It is the last awful ceremony of their religion, without which (in their belief) the doors of salvation cannot be opened to them. This their clergy may administer or refuse to them, the threat of which carries with it a compulsory power which no sincere Roman Catholic can oppose resistance to. These powers, drawn from tenets which they assert to be purely spiritual, can in a moment be brought to bear upon all subjects, civil or political, by the single assertion which, from their clergy, comes with authority not to be questioned or to be resisted, that the interest of their church demands it. So far for the irresistible power which belongs to their principles of faith, with the awful sanctions which support its application.—Shall it be said, then, that their faith is not a matter of civil or political concern? But their discipline, which is also founded on a sacrament, commands a direct and most tremendous temporal power, through confession, penance, and excommunication their church has possession of the entire man, his most hidden thoughts, and most cherished feelings—shame, privation, pain it can inflict on him, and make him his own executioner.—The greater excommunication cuts off from all social aid or comforts, which under no circumstances of excuse or compassion, any of the faithful can dare to extend to the wretched object of this horrid sentence.—I have known three instances of its being inflicted, many in which it was threatened, two were made the subjects of actions, and verdicts were had. But if I am rightly informed, the plaintiffs did not dare to proceed to execution.

This stupendous and formidable power is under the direction of any instrumentality curiously organized to give it effect, and to establish by its means a paramount power over the minds of its votaries. It is under an absolute monarch (the pope), having a counsel selected for their talents and influence (his cardinals)—generals and governors (his bishops) diffused over the world, each having under his orders subordinate officers (their parochial clergy) in contact with the people, who, if they believe the tenets of their religion, must be subdued to the most devoted submission. This dominion, not circumscribed by space, but operating on the minds of its votaries, through so great a proportion of the world, exercising a temporal power of pains and penalties, beyond what human laws can inflict, and wielding the sanction of eternal punishment and rewards also—each rank bound to its superior by the strongest oaths—cut off from all worldly ties and sympathies by lives of celibacy—their interest and passions concentered in the prevalence and grandeur of the church, and motives of jealousy and insubordination removed, by the individuals of each rank being eligible into that above the one in which he is placed, and animated by a belief, which I doubt not to be sincere, that the whole is a system of vicegerency to Christ upon earth, the adherence to which is eternal salvation, and the opposition to which is rebellion against God, and to be visited by eternal perdition.

Is it possible that persons under the influence of such convictions and motives, and with such energies and means, should abstain from using political power, if placed in their hands, for the re-establishment of what they conscientiously think a system of eternal salvation? That they should abstain from using that power for the subversion of what they believe to be the certain cause of eternal perdition? Is it possible that they can see you relinquish a control, and put it as an instrument into their hands, without believing it to be a miraculous working to make such infatuation the means of your chastisement, or your regeneration, and that they are called to use it as such?

Of their disputed doctrines—the answers of their universities, the answer of the congregation of cardinals, as stated in p. 426 of the Report on your table, and the oath and protestation of the Roman Catholic noblemen and gentlemen in 1789, I will say little, though having much to observe upon all, what, if considered by any fair mind, judicially exercised, I am convinced could not fail to remove all the confidence which most delusively has been excited by them, and to substitute a deeper sense of danger in its place—one remark is to be made on all. They not only deny such doctrines, but roundly assert, that they never were maintained or acted on by their church.

Of the answers of the universities (the history of which would be curious), I shall only say that I am prepared to show, not only proofs to the contrary from the most recognized authorities of their church, but also answers of three of the same universities, diametrically opposite to those which, for the present purpose, they have given—of the answer of the congregation of cardinals (by direction of his holiness), p. 426 of the Report. I am also prepared under like authority, to exhibit innumerable instances to the direct contrary; and of the oath and protestation of the lay lords and gentlemen in 1789. I must say, that construing both under the explanation, which, to satisfy the objections of their bishops, they afterwards made of them, they will be found to confirm and aggravate the sense of danger they were meant to remove.

The doctrines objected to them are not only stated but insisted on in their councils, canons, and decrees of popes. Not only recognized as being theirs, but asserted to be of infallible and divine authority, by prelates of the highest dignity, and doctors of the most acknowledged learning in their church, down to the present day. By cardinal Bellarmine and cardinal Allen; by Dr. Troy, titular archbishop of Dublin, in his Pastoral Letter of 1793; by Dr. Milner, vicar apostolic, in his Ecclesiastical Democracy: by Dr. Walmesly, vicar apostolic; Dr. Delahogue a high authority, as being professor of divinity in Maynooth College, and therefore the medium through which the stock of clergy of the present day derives its theological principles; and though last not least, by Dr. Gandolphy, a divine of great learning and ability, who so lately as the last year published in this town a work entitled "A Defence of the ancient Faith, or a full Exposition of the Christian Religion," in a series of controversial sermons. You observe, that in this work the Roman Catholic religion is not only designated as the ancient faith, but exclusively the Christian Religion. This work contains a full and most animated assertion of all the intolerant and exclusive doctrines of the Roman Catholic church, and, with all their other writers, sets up the authority of the general councils in their fullest extent. The history of its publication is curious. Dr. Gandolphy was ordered by the Roman Catholic bishop of the London district to suppress it. He demanded if any and what objections were made to its doctrines, as he would pay an attention to them which he was not disposed to give to any of a temporizing nature. None such was assigned, but he was ordered not to publish. He repaired to Rome, submitted his work to the highest theological authority of the Vatican, and comes off with the most triumphant testimony of its orthodoxy and merit, as certified by the two divines to whom it was referred for its imprimatur by the legitimate authority. These two divines, one a master of sacred theology, the other a professor of sacred Scriptures, gave this work the highest praise, and pronounced it deserving to be cased in cedar and gold. It was printed in four volumes in this city; but it has been bought up or suppressed for the exigency of a late occasion; and further, to defeat the effects of the discovery it had made, the bishop of the district, a few days before the late debate, published a a hand-bill, stating that it contained errors, which, however, he did not specify, and denying that it had the authority of that particular council which has the superintendance of the ecclesiastical affairs of these kingdoms, but not observing that it had the very highest authority on those subjects which the church of Rome knows. Of that work, and the exposure it makes, I shall trouble you with a few extracts.

It speaks of the Reformation as the sinful deed of lust, avarice, and pride.—Vol. 1. p. 129. As an impious withdrawal from the mother church.—Vol. 2. p. 130. That the errors of the church of England is the severest curse with which the Almighty visits the sins of the people.—Vol. 2. p. 220. Potestant teachers are charged with treason against God and religion—misprision of the Gospel of Jesus Christ.—Vol. 2. p. 222. He apostrophises the English clergy, "Ye whited walls—God shall strike you."—Vol. 4. p. 311. This is the work which the highest authority of the Romish church, for examination of theological writings, pronounces as of genuine orthodoxy, and deserving to be bound in cedar and gold—this, published and sanctioned only within the last year. We are told by the Roman Catholic advocates in parliament, that the tenets of their religion are become obsolete, and its hostile spirit passed away; but Mr. Plowden says, it is *semper eadem*. Pray which is right?

I have only stated the ecclesiastical authorities, however high. As to the dangerous tenets of the church of Rome, it may be said that churchmen of all religions are intolerant, and that it is not fair to make their opinions a criterion to judge by.—To that I reply, that they are the surest repository of those doctrines as they really exist, and that those who profess that faith, and do not admit the authority of their clergy, are latitudinarians whose attachment is to the spirit of party, not to conscientious scruples of religion. But the recognition of most of their doctrines stands full as much on lay authority as ecclesiastical. Mr. Plowden, an eminent lawyer, and their historian, boasts of the unchangeableness of their doctrines, and emphatically and proudly applies the motto of *semper eadem* to their system. The author of the statement of the penal laws (their adopted case) relies on the council of Lateran as unquestionable authority. Dr. Drumgoole, a physician of learning, talents, and considerable eloquence, denounces the church of England as a novelty which had lasted its time—would fall before the solid columns of Catholicity, and leave no recollection of its existence except by the miseries it had caused. The sentiment was censured as injudicious, but was applauded for the justice of the observation, and re-echoed from two county meetings. The doctrine of exclusive salvation, insisted on by all those authorities—by the present pope repeatedly, and by Quarantotti in the rescript, which for its liberality was reviled—is inculcated in all their catechisms, and repeatedly laid down in professor Delahogue's tract, *De Ecclesia Christi*, a class-book at Maynooth college. This doctrine as has been shown, is the root and foundation of all intolerance and persecution, which justifies both, and almost makes them virtues. It was the contemplation of this stupendous soul-subduing system, and the experience of its destructive powers, and of the evils attendant on the struggles of religious party, that determined your ancestors to guard you from its mischief, and shut it out altogether from the state. It is now proposed to you to undo what they have done—to discard the system which they have reared—with which your glory and happiness have been commensurate—which is that on which the title of your king to his throne is founded—and without any motive but to gratify those lords and gentlemen who require your constitution to descend to them, as they refuse to rise to it.

If, on these motives, you are disposed deliberately to encounter this comprehensive revolution, and to lay on yourselves the awful responsibilty of its consequences, it is right that you should contemplate distinctly the acts you will have to do, the immediate effects which must ensue from them, and those more remote which they are likely to cause. The disqualifications sought to be removed, are, as to admissibility into the legislature, and certain offices which it is not necessary to enumerate. In Ireland they are all enumerated in the 33d of the king. In England Roman Catholics lie under other disabilities, imposed by different statutes. The mode of their exclusion is accomplished by requiring, as a qualification for any of these situations, the taking, under certain formalities, the oaths of abjuration and supremacy, and making and subscribing the declaration against popery, as set forth in the 30th Charles 2d. The mode of removing these disqualifications, according to the prayer of their petitions, must necessarily be the same as to both countries —that is, by repealing all the statutes which impose that obligation, the excepting clause in the statute of the 33d of the king as to Ireland, and the several disabling statutes as to England. It will be necessary to repeal entirely, or new model, all the several acts enacted between the 1st of William and Mary, and the 12th and 13th of William. Having thus effected a counter-revolution, and unsettled that which Mr. Burke considered *as settled* *for ever*, you must then proceed further; you must repeal the 30th Charles 2d and the 13th and 25th, being the test and corporation acts. You must then proceed to repeal the 5th and 1st of Elizabeth, and the 28th Henry 8th and the 25th of Edward 1st, and then, in consistency, and to sanction some of the arrangements which in the last attempt at revolution was made, and which has this night been gravely proposed, for getting the holy assent previous to the royal assent to the bill, it will be adviseable to repeal the statutes of provisors and *premunire*. So extensive a legislative revolution, I will venture to say, never yet was accomplished or I believe contemplated.

If that mode be not adopted, you must enact a law, dispensing with Roman Catholics taking the oaths of supremacy and abjuration, and making and subscribing the declaration annexed—that is, you must do, and for the same object, what cost James 2d his crown—and then every Protestant will be forced to swear, what none of them attempt to deny, that the king is the head of the church as well as state. But the Roman Catholics will be legalized in the denial, which would subject Protestants to the pains and penalties of *premunire*—will not that at least be superiority? But more Roman Catholics will then be competent to make laws, affecting not only the interests of your religion, but the Protestant religion itself whilst they reject, with the most determined indignation, any the slightest interference, not merely in the regulations of their religion, but even in the appointment, or control over the appointment, of any of their clergy; and this on the avowed principle of distrust; and this distrust they adopt or affect, notwithstanding above fifty years of experience, that such power, to an extent beyond what you presumed to suggest, has been possessed and exercised in Canada, without the slightest interference with their doctrines or discipline; and notwithstanding the same power has been admitted in all other Protestant states, and even required for safety in those that are Catholic. If this be adopted, their church in these kingdoms will then be, not an empire within an empire, but an empire, from the nature of its influence over the human mind, paramount to all worldly dominion, wielding the sanctions of eternity against the petty pains and penalties of human tribunals;—am I not justified, therefore, in saying, that this will be ascendancy? that it will be revolution? absolute revolution, in efficacy and reach of time, extending far beyond the revolution which it is meant to subvert?

But if this will be superiority and ascendancy in England, what will it be in Ireland, where the Roman Catholics boast that they already have a physical superiority of four-fifths of the population, but which I really believe, on good grounds of estimation, to be from two-thirds to three-fourths? If equal political power shall be added to their superiority of physical force, that of itself would create ascendancy. It will be to transfer what was counterpoise and control in the hands of the weaker, to be increase of strength to the stronger. But equality of political rights will be to them superiority of political power. With the exception of the four northern counties, a great proportion probably nine-tenths of the forty-shilling freeholders of Ireland, are Roman Catholics. When political disqualification shall be removed, it will be in their power to return Roman Catholic representatives for all the counties and open boroughs, excepting those I have mentioned. These representatives will be entitled to that influence with the government, and that patronage under it, which belong to their stations. Will not the possession of them create a Roman Catholic ascendancy?—Will it not be a transfer of what power is left within the kingdom, from the Protestants, who in sentiment, in interests, under a political necessity, are identified with this country, to a body who (speaking of them collectively) are more than estranged from it—who are so from national prejudices, and exaggerated and deeply cherished recollections—who are contradistinguished as ranged under a religious distinction, not merely opposed, but hostile to the established religion, which as yet constitutes an integral part of this constitution—who are under the irresistible influence of an organized ecclesiastical corporation of great antiquity and greater pretensions—pretensions which claim, by ancient title, a right to the establishments of your church? Which you profess never to intend to give them, and which must therefore always leave them, and those they influence, in a state of dissatisfaction. Will not this be an ascendancy to a body who are opposed—who must be dissatisfied, and who therefore will at least have temptations to be factious?

I know it is said, that if they are dissatisfied and alienated, it is because disqualifications are suffered to remain that derive their consequence principally from being withheld. I hope, after the statement I have made, it will no longer be denied, that the removal of popish disabilities would draw after it great and important political changes. But if doing so would with certainty dissolve party, and conciliate (as is the most abused term), the temptation to venture on a revolution and its awful consequences would indeed be strong, but still to be resisted. But alas! I cannot flatter myself with such a hope; for whether I look to the immediate consequences that are to ensue, and to their natural workings on the human mind—or, above all, if I turn back to the gloomy view of past experience, and to the dark and portentous clouds it rolls after us, I can discern nothing in the proposed project, but increase of confusion, and interminable discord. The question and complaint of disqualification, which has only a general and remote reference to individual interest, will then be converted into the question and claim of possession. In the first, discontent and complaint are against the laws, which present no object to vindictive passions to fasten on—but make it a question of possession, the interest is then immediate and direct, and disappointment and discontent get personal objects to level their splenetic rage against—and what objects?—The sovereign and his ministers; every office or place to be given away will then be the subject of a calculation and a claim.

The political power of Ireland unquestionably they will then possess; but that will not, cannot satisfy them—nothing short of possession of the church establishment will or can do so. Their clergy, who wield the instrumentality by which they work, cannot be satisfied without the acquisition of it. This, I fear, is the great spring, to make which, in due time, they have latterly so drawn back. No:—"Until that shall be obtained nothing will be considered as accomplished. Pride and party rancour will seek this great object for triumph—their clergy will demand it as a debt no longer to be withheld. Their adopted case (the statement of the penal laws) has suggested its claim, their orators have announced it."

I cannot be supposed indifferent to the preservation of our church establishment, but I confess I lose sight of the object, however interesting, in contemplation of the woeful progress of the means which must lead to it—which few of them, I am convinced, at present meditate, but which will present themselves in due course—every step of which will be confusion, discord, and the excitement of inveterate hostility to Protestants or English settlers. I cannot bring myself to detail the piteous scenes which, in my conscience, I believe will ensue. The first step will be the acquisition of the representation in order to acquire the patronage of what constitutes the instrumentality of government. What is likely to intervene between their accomplishment of this object and their claim of the church establishment, on the ground of the whole communion being popish, I leave to imagination, aided by historical recollections, to fill up—every step will be contest, and acrimonious contest, in which superiority of numbers having equal political rights, and animated by the energy of promising enterprise, must prevail. *Væ victis!*—The weakest must fly, or merge in the strongest party, and seek to conciliate, by adopting and aiding its future views. The only refuge of those who shall remain, will be by a speedy submission to disarm the hostility of a people naturally as generous as violent. I shall close this most painful topic.

To restore what of late years has been claimed as a matter of right, is the object professed by some—to tranquillize Ireland by what is termed conciliation, the delusive motive with others. I will briefly examine both. If it be a right, let right be done, though your empire crumble into ruin. But is it so? This claim has arisen from confounding natural with social rights, and applying to the latter the visionary theories of the former. In a state of nature no man has a right to exercise sovereignty over another. In the social state he has no right to govern, except the laws of the particular society of which he is a member confer that right on him. His right, in a state of society, is not to govern, but to be well governed. To contend the contrary, is the very essence of Jacobinism, the fundamental principle of which is, the application of the theories drawn from the visionary state of nature, to the institutions of civil society. You will find these to be the very principles which originated and supported the French revolution, let loose argument on the same principles, against the system of the British constitution, or almost any of its parts, and would it or could it stand the assault? In the legislature, if a representative body should be admitted, universal suffrage (as now called for) must be adopted, an hereditary legislation would be an outrage and mockery of common sense, as well as of first principles—if regal power should be tolerated, under this pure theoretical system, it must be elective. Such is the necessary progress of the admission of this theory of right. But examine it a little more. The rights of men in a state of society are to have equal protection extended to their persons, properties, and reputations.—But what shall be the qualifications required for administering the sovereignty of the state, or what shall disqualify, is altogether a subject of social regulation which when once settled, and established, should be preserved firm and immoveable, should be kept sacred from question and scrutiny. But to explore fundamentals in search of theoretic anomalies, and thereby to endanger the stupendous superstructure which in despight and mockery as it were, of this theory has been raised in such magnificence and grandeur upon them, would certainly be in direct opposition to all that statesmen have hitherto thought wise, and contrary to the most established principles of political law. Vattel (a writer of the first authority on that subject) lays it down " that when a government is once settled and established, no alteration should be made, however apparently slight, in the form of it, but from urgent and absolute necessity," and he explains what he means by such necessity that " no change or alteration should be made, but when the government without such change, absolutely fails to answer the ends and purposes for which civil governments are instituted."

Is, then, the British constitution so degenerated and debased? what is the motive, what the object for which you listen to the proposal to discard all established maxims of wisdom and policy, to run counter to all experience of the past, and voluntarily risk again the evils under which this nation suffered misery and degradation for above one hundred and fifty years? to gratify (as only is professed at present) a few noblemen and gentlemen who are ambitious to share in the administration of the government, but are unwilling to submit to the qualifications which are required of you. To bring down the constitution to them, because they refuse to come up to the constitution, alleging conscientious scruples. Mr. Burke says " that dissent seeking for more than toleration is not conscience, but ambition." To gratify this conscientious ambition, or ambitious conscience, you propose to new model your constitution, in order to tranquillize and conciliate. To conciliate might possibly tranquillize. But what will effect durable conciliation? I should not expect it from what will bring the objects of pursuit nearer to their grasp, and at the same moment (as is professed) will raise an apparent bar to the acquisition of them. For we are given to understand, that something to be called security, is to be discovered for the permanency of the established church; but while that is to be withheld from them, in a state of dissatisfaction and agitation they will certainly remain. To conceive that any thing short of that sacrifice, has any chance of causing permanent conciliation, is an infatuation which nothing but a total ignorance of the characters and views of that party in Ireland can excuse.

But reasoning on the probable effects on minds under the complicated influences of party feelings, religious and national; actuated by cherished prejudices and resentment; and objects direct and indirect; some of which may be avowed, whilst others of them must be suppressed, is necessarily inconclusive and perplexing. Experience of the past is the best guide for conjecture of the future! From the expulsion of James to the year 1793, Ireland enjoyed a degree of tranquillity and consequent improvement in civilization, which cannot be found in any other period of her history. In 1778, the repeal of the penal code began in Ireland. I need not repeat the feelings with which, abstractedly considered, I must always view it. It was certainly meant to break the strength of the Roman Catholic party, or to compel conformity which in a great degree it effected. The progress of repeal continued there till 1792, and had every conciliatory effect which could be expected or desired. In 1792, lord Redesdale, then Mr. Mitford, stirred the question from its quiet state, and introduced his bill for removing the disability which excluded from the bar. That opened the question again in Ireland, and a bill for a similar effect and to legalize intermarriages was introduced by sir H. Langrishe into the Irish parliament. Then for the first time conciliation had a long, and I fear, a lasting adieu to concession. It was immediately on the heels of this concession, that Catholic agitation began and appeared an open organized system, having its directing council (its committee), its ambassadors (its delegates), its presiding chief (the venerable and venerated John Keogh), who, as he himself states, went on one mission with his dear and lamented friend, Thomas Braughall, and on another with his dear and lamented friend, Theobald Wolfe Tone, to excite their clergy, and to set their influence against that of the aristocracy of their body for the purpose of convening a representative assembly. In this year their committee published its first manifesto, it declared what it sought, and what it did not seek.*—The elective franchise considerably qualified, and capacity to serve as magistrates and jurors. The wise and provident suggested, that the prayer for the elective franchise would assuredly be followed by a claim for the representation. They treated the assertion as a cruel calumny, and justified themselves theoretically on the ground of Mr. Burke's distinction between office and franchise, and on practical grounds they stated, that their object in seeking the elective franchise was not political, but was merely for the purpose of equality in competition for tenancies of land. The prayer of their petition was modified in this respect; and to obviate the objection, that by an equal communication of the elective franchise, the power of representation would be thrown into their hands, they limited their prayer for it to twenty pounds value of freehold.

These they professed to be the full extent of their objects, and sought them as a final settlement of their demands. On the faith of its being a final settlement, and on an understood compact that it was so to be, the legislature enacted the statute of the 33d of the king. The enactment went beyond the prayer of the petition, on the principle of the settlement being conclusive of the question, and with the hope, which then appeared well founded, that it would be as conciliatory as final. The elective franchise was conceded at forty shillings, being the same standard under which, by the statute of Henry 6th it was possessed by Protestants. This was done not merely for conciliatory effect, but as a compact of accord and satisfaction—on one side these privileges were given, that is, disqualification to that extent was removed—on the other, certain doctrines, of which past experience had exhibited the dangers and horrid consequences, were abjured, and the oath which did so abjure them was embodied in the act. That oath also imposes on those who qualify under it, the obligation, "That they will never use any of these privileges to destroy or weaken the established church, or the Protestant government of the country." That was the compact. It was considered to be a final and conclusive settlement, and was accepted by them with professions of gratitude as well as satisfaction. They expressly resolved to dissolve their committee, "being," as they said, "raised to the rank of freemen, and competent to manifest their sentiments as such, with their other fellow-subjects." They further voted a sum of 2,000*l.* to raise a statue to his present majesty, in whose reign, and on whose recommendations such penalties and disqualifications had been removed, and such privileges conferred. Where are we to look for the statue? We know that the committee never was dissolved, though professing to be so, but was intended to compose an integral part of the convention which the prompt firmness of the duke of Richmond suppressed in its first formation. This burst of gratitude for the enactment of 1793, was succeeded in a few weeks by insurrections in different parts of Ireland of the most dangerous nature, professing religious grievances and animosity, which in some parts so affected, were never before suspected to exist; and from that time Ireland has never known peace, and party spirit and animosity have been daily increasing.

From looking back to this train of events and their effects, we may learn, if we will, what chance we may have of securing conciliation by concession. Twenty-seven years we have passed in vain pursuit of this phantom, that, like our horizon, flies from our approach—we advance to the alluring brightness, we find an abyss under our feet—again it invites with distant view. Will you plunge in, and renew the vain attempt to secure it? No. Let us not deceive ourselves with the flattering illusion. You may make a new constitution, as you are called on to do—you may open in it a breach through which revolution may pour in—you may shake your church, that main pillar of your state; but, unless you surrender the establishment of it in Ireland, you will be farther from conciliation than ever. To tranquillise Ireland, by introducing a few (as you suppose) of peers and commoners into your legislature, and making them competent to offices which you do not mean to give them, and to leave their clergy, who possess the secret influence of the body, and the people who compose it, and the agitators who direct both, with qualifications that are to lead to nothing, is so strange and childish a conception, that I cannot, by any stretch of faith in the sincerity of public men, bring myself to believe, that it can have entered seriously into the minds that profess it. But if, in the sublime conceptions of great statesmen, a project is adopted to make Ireland a secure and quiet possession, by establishing popery there, and transferring the powers of the state to those who profess it, there may be some sense in that—but, in common humanity, let them abridge the sufferings of those, whose race, through so many vicissitudes, and dangers, and sufferings, have preserved the country to British dominion. Let them know what they are to expect in time, and enable them to prepare for the new order of things they are to endure, or to yield to their fate and depart. Their best refuge will be the generosity of their countrymen when glutted with concession. If religious and national prejudices can be silenced, it will not be a light reliance. There may be state policy in such a course. State policy is said to soar sometimes above all the vulgar feelings of justice, humanity, and gratitude. There may be sense in this—but to think of tranquillising, by the mere removal of disabilities, and by inviting continual competition between two descriptions of your people, now unfortunately divided by the most baleful of all distinctions, religious party—to give to that profane spirit an immediate and direct entrance and interest into every subject, institution, and establishment, in which unity of council and action are most requisite, does appear to my plain mind an insanity so strange as to be quite portentous. See how this would operate on that leading object of claim, introduction into the legislature. Can you doubt that the spirit of religious party would be used and kept alive for the purpose of its powerful instrumentality?—What so productive of irritation and discord, as election contest is at present? But our modern theorists, in their sublime conceptions, professing public peace too as their object, propose this lenitive for the feuds of religious party—to pour on the heart-burnings of religious animosity the healing balm of election contest. If this measure shall take place, such contests must ensue, unless a timely submission to the ascendant power shall prevent it. For my own part, if I am to continue to reside in Ireland, I had infinitely rather change places, and give the Roman Catholics, in their turn, the exclusive possession of the legislature, than live in a state of society causing continual contest—that contest, from its nature, calling forth every malignant passion of the human heart, and suppressing every benevolent and virtuous feeling. I really think, that the most inventive genius of the most malignant fiend could contrive nothing so effectual to promote confusion, discord, and misery.

---

* The first was arrested and confined under a charge of a treasonable nature, but liberated by lord Cornwallis; the other, tried and convicted of treason, prevented his execution by suicide.

The Roman Catholic religion is fundamentally a system of exclusion. It excludes those who dissent, from the pale of christianity—it excludes from possible salvation. It admits no compromise on its part, therefore, you cannot compromise with it;—you may submit to it—you may adopt it—but in the administration of political power (I speak not of petty municipalities) it never yet was found to suffer equality where it could acquire ascendancy, to possess ascendancy without seeking domination, or in the exercise of domination to be tolerant. And all this arises not from the want of virtues or the feelings from which they arise, but is the natural consequence, as I have shown, of the sincere belief in the doctrine of exclusive salvation.

I have hitherto only spoken of the immediate and remote effects likely to ensue through this measure in Ireland. It has been a great error to consider this question in reference to that country only. But even in that very contracted and unstatesmanlike view, its consequences must be allowed, more or less, to effect this, the seat of empire. Its agitations must disquiet and perplex—but its direct and internal operation here, is a matter of serious consideration. The energy and zeal for proselytism, will, as they have done, increase the numbers, whilst the admission to political power will withdraw control. Religious party, sooner or later will arise, and when they are strong in numbers, will assume the baleful characteristics of it. Look to what was the state of this country in reference to religious party, in the reigns of Elizabeth and James I.

Accustomed to look favourably on the operations of party within the legislature, we overlook, I fear, the distinction of this new principle of party spirit, which it is proposed to introduce into that, and into the government. In the party spirit that at present exists and operates (perhaps beneficially) in the legislature, there is no principle that is not common to both sides, whose interests fundamentally are the same. Contention is on means, or principles, common to both. No subject is more sacred from discussion at one side than the other. No contrariety of public motive—the state is the same to both, or all parties; and all parties are identified with the state.—But the spirit of religious party is founded on a distinct and irreconcilable principle, and religious party, in the mind of a sincere Roman Catholic, separates from a Protestant state. It not only establishes a divided allegiance, but on a hostile principle, and the extirpation of heresy is at once a religious duty and a conscientious motive—which, if sincere in their faith, they will not or cannot resist giving effect to, when opportunity shall arise. If they are not sincere, their religious principle is only party pretence, and the conscientious scruples on which they claim indulgence do not exist.

The state of things which you are about now to introduce, is exactly that which in fact existed in this country from the Reformation to the 30th of Charles 2nd—what was that state and what were its effects, I have given a sketch of. Sir, I am sensible that the anxious suggestions of this most extensive, deep, and complicated, and most momentous subject, are leading me farther than is adviseable. I am sensible I have been prolix, and that I have been diffuse; but greater prolixity would still be far short of the various and complicated considerations that belong to the subject, whilst the misrepresentations and delusions that beset every part of it, call for such continual explanations, that you must either leave them to their fatal effects, or digress to expose them. If feeling some times intruded, could it be avoided when such consequences pressed on the mind.

I feel confident that I have proved beyond question, that when your constitution was settled at the Revolution, its most fixed and fundamental principle was, that the legislature and government of the state should be Protestant in all its parts. That it was meant to be so far ever settled. That this character of perpetuity was stamped on it as emphatically as words could effect, without appearing to violate the legislative competency of future parliaments. That this character of perpetuity was given to exclusion, in contemplation of the immutable nature of the system to be excluded, and of the dangers to a Protestant state that was inherent in the principles of that system. I think I have shown that those principles are in their nature necessarily opposed and hostile to a Protestant state. That when popery was the religion of the state the nation was oppressed, degraded, and impoverished. That when that religion was abandoned—but political power (as now is sought) was suffered to remain,—confusion, discord, misery, and national degradation were the consequence. That since exclusion has been complete, both of religion and political power, internal happiness and external glory have blessed this country in a degree never before experienced in the annals of the world.

I have stated the injurious and dangerous consequences, immediate and remote, which necessarily or probably would ensue from this measure, and how utterly hopeless it is, as a plan of conciliation. These consequences are such, that in my firm belief, they would be to this country, incipient revolution of certain progress, but uncertain extent—whilst, in Ireland, they must immediately produce Roman Catholic ascendancy, subversion of the church establishment, and of the English settlement of the country, on the security and strength of which, the connexion between the two countries will be found ultimately to depend; and that the progress to their lamentable effects, will be almost a continued scene of confusion, discord, and misery;—and, consequently, of increased embarrassment to this country. When I contemplate this impending ruin, I am lost in wonder that such a project could ever have been entertained in a British parliament. I trust, however, that too much of the character of their forefathers remains to suffer the possibility of its adoption. If they shall, however, they will certainly give proof that it was not without reason that parliamentary reform has been called for; for, on a subject the most important that ever was agitated in this House, they would then decide against the sense and opinions of the most sound and reflecting part of their constituents. But if it were possible that revolutionary mania should so possess this House, the constitution, in its admirable structure, has made provision against such a danger.

The hereditary council of the nation will not forget that the peculiar duty of its station is to stand between the Crown and the democratic mania of the people or their representatives. The constitution of their country is peculiarly their trust. Its Protestant principle is the sacred palladium of which they are the sworn guardians. They will be mindful of their duty —they will save their sovereign from the insulting demand to violate his coronation oath or trifle with the spirit of it; and if this House should ever depart so far from the maxims and character of their ancestors, as to present a bill for a counter-revolution at their bar, that there at least, hereditary feelings and principles will remain—and that their stern and dignified reply will be, as was that of their great ancestors to the Papal encroachments of their day—*nolumus leges Angliæ mutari.*

But if the revolutionary spirit should find reception there also, my last hope will rest on the magnanimity and firmness of that illustrious prince which saved this great empire, and saved Europe—that crushes the hydra of despotism with its monsters, but who, I fear, is also doomed to find that malignant envy is only to be conquered by death. He will again interpose to save his country from the greater danger that menaces it within—He will recollect that the sacrifice of religious principle, or the adoption of a temporizing spirit respecting it, never prospered yet—He will recollect that Henry 4th had his Sully too—wise, provident, and attached, that under his advice (and he was at least as sincere a Protestant as any minister of later times) he compromised with Popery, and submitted to it, and that the consequence was, the loss of his life and the extermination of the numerous Protestants of France. He will feel that the mysterious and sublimed union of church and state, is a sacred subject that soars above the ken of worldly policy. It is an ethereal essence that sanctifies and gives a character of perpetuity to your state, while it draws from that support which repays to it worldly stability and effect. He will therefore not admit its giant rival into its sanctuary—with sure and certain hope I rely that he will abide by the coronation oath—He will abide by the principle which placed his family on the throne, and which repealed, would only leave a naked possession of it. Repeal the Protestant principle of the state, and the title will no longer be "hereditary descent qualified by Protestantism,"—repeal the qualification of Protestantism as a constitutional principle, and it is only a form as attached solely to the Crown, and a form which arguments unanswerable will be found to remove; the principle of hereditary descent will first be deprived of the spirit and reason of the qualification of Protestantism, and afterwards of the form. It can no longer make part of the title of the present family to the throne, but will stand as an adverse title in the house of Sardinia, and the possession of it will then be reduced to a mere right from possession, or from constructive election. But I am unintentionally led again into argument. I do entertain an humble but earnest reliance, that the same magnanimity and firmness that saved the empire and Europe will interpose to save the constitution of his country. It is triumphantly asked, what then is to be done? would you re-enact the penal laws? far be the thought from me. The penal laws were intended to compel conformity—the project was impious. On the other hand, to confer political power on dissent, is to give a bounty on party spirit, and to perpetuate it. The course that is wise and honest and conformable to christian spirit lies between both: it is to preserve the rule of the state, connected with the religion of the state, and by so doing, not seek to compel conformity, but to incline those who are so unfortunate as to be ambitious, to examine more impartially the grounds of that dissent that exlcudes them.—To continue, as now, to extend the most equal protection to all, and the most equal encouragement also, in those objects that belong to the instrumentality of the state.

This course with a firm and stern repression of faction, and the crimes that arise from it, might allay the agitations of this question, and would do so, if it were once known, that under no circumstances would the Protestant character of the state be changed—that its fundamental and immoveable principle is, that the king shall be Protestant, the Government shall be Protestant, and the Legislature Protestant.

The question should be closed—"The isle is frighted from her propriety." I have stated the principles on which it should be closed; let those who encourage the agitation of it, reflect in time on the evils it has already produced, and the horrors that may ensue from it.—I believe them to be more imminent than they imagine.

Mr. *W. Elliot* observed, that he hoped the little he had to offer would plead his excuse for the trespass he was about to make on the attention of the House. During the speech of an hon. member, he had observed the considerable effect produced by the extracts read from a pamphlet published by doctor Gandolphy, for the tenets contained in which it would be found the author had been suspended. With this work he proceeded to Rome, and laid it before an accredited officer of the papal court, whose sanction he obtained. This officer, styled the Master of the Apostolic Palace, it had since been discovered, had, through the misrepresentation of doctor Gandolphy, and his total ignorance of the English language, been induced to give an imprimatur, or approval of its contents. Upon the discovery of its contents at Rome, cardinal Litta immediately acquainted doctor Poynter here with the circumstance, and begged it to be understood, that the approval of the Master at Rome had been surreptitiously obtained, upon which doctor Gandolphy was immediately, and still continued suspended. [Hear, hear!]—The whole fabric, therefore, erected by the hon. member upon the contents and tendency of this work, fell to the ground. It was in no degree authenticated or sanctioned by the court of Rome. What had subsequently fallen from that hon. member only went to prove, that the minds of the Catholic population had been so completely alienated in Ireland, that it would be better they should remain for ever in the state in which they were. What! was it to be endured that parliament should be told, at a period like the present, that no securities could be devised sufficiently satisfactory? The controversy had been heightened, if not altogether occasioned, by the delay of parliament; the longer that delay continued, the warmer and greater would be that controversy. The interposition of parliament was now called for on both sides, to adjust at once, by legislative means, all the differences which subsisted between the different parties, and which had originated in the culpable delay of that House. Upon the subject of securities he should give it as his old opinion, whatever weight that might have, that the best security was to be found in the repeal of all the remaining penal laws and disabilities. In the year 1813, he had acquiesced in the conditions then proposed, and should feel himself warranted in doing the same again under similar circumstances. This he had done then, and should do again, with a view to obtain the measure of emancipation. The great hope of the country at this moment, lay in the prospect of conciliation, and consequent cordiality and unanimity. This was only to be effected by doing away with all civil distinctions and disabilities. This was the true mode to restore confidence, concord, and harmony, in both the Catholic and Protestant bodies. The Catholic would thus become a convert to the principles of toleration professed and acted upon by the Protestant. This was the part of the question to which he had felt it his duty, in the first instance, to draw the attention of the House. The dangers apprehended, proceeded from various causes. For his part, he had never considered the question upon the ground of abstract right. The petitioners were different parts of the same body, yet their general interests were the same, whatever might be the shades of difference in their sentiments as to the extent of concession, or modification of their religious sentiments, in order to obtain political rights and privileges. The Protestant and Catholic, too, were alike different parts of the same body; yet even they were not without a common interest. The Crown, it was justly said, was Protestant; the state was also Protestant; yet the encroachment made on the penal statutes existing at the commencement of this century, stood high amongst the most splendid and beneficent acts of the present reign.—[Hear, hear!]. For his part, he had never been considered insensible to the dangers of the community; some had thought him the very reverse; yet in this instance he saw—he rejoiced to avow it—little cause to alarm the most timid. In times succeeding the Reformation, during a disputed succession to the throne, or during the reign of childless sovereigns, apprehension might very fairly be entertained with respect to the security of a Protestant succession; yet it was the true policy of this country generally, and the true object of the first care of parliament to provide, by all possible means, that the population of the country, from one end to the other, should be without cause of complaint, moving forward in the common path of duty, in terms of cordial amity and affectionate brotherhood. When within those walls they talked of Catholic concession, what did it mean? It only meant that they had, by means of certain legislative provisions, the power to create a moral effect on the Catholic mind most beneficial and consonant to the interests of both Catholic and Protestant. Two centuries of experience had shown that the expectation was unfounded upon which the penal laws had been grounded, namely, that the Catholic would abjure a persecuted faith. The legislature might, by heaping restrictions on them, shake the foundation of their morals, but they would only render them worse Catholics, and worse subjects. In their anxiety to support the Protestant ascendancy they would, in effect, create an aristocracy, and property destitute of all authority,—a people destitute of even morality or true religion. This would, indeed, be the consummation of all our calamities. Instead of the hon. member, who had replied to the right hon. mover, branding those who advocated the cause of concession with a disposition to effect a revolution in the order of things, he would do well to consider if he were not, by such insinuation, poisoning the sources of public happiness, and troubling the very elements of society. The various other topics of danger alluded to in the course of the debate, he considered comparatively unimportant. It was absurd to think that in the present state of this country the continuance of the penal laws could afford any security adequate to the danger likely to arise from their continuance. Much was to be apprehended from their operation on the anxious and already irritated state of the public mind. It was contended, that various offices, in Ireland particularly were open alike to the application of their talents, and those of their fellow countrymen. But would it be requisite to prove that there must result an indisposition to embrace the opportunity thus offered, under the natural feeling of discontent at the wide range of disqualification which still continued to dishearten and oppress their exertions and energy? This was the natural feeling under such circumstances. A particular limitation, especially when founded on liberal distinctions, soon amounted to a general inhibition; and it must be the more sorely felt when the parties had to complain that the tenets of their religion had alone disqualified then to fill those offices to which they were peculiarly eligible, from their being the decendants of the most ancient and honourable stock of a country, for whose welfare they and their ancestors had, with the noblest self-devotion, shed their best blood. The right hon. gentleman concluded with expressing an anxious wish that the House would consent to go into the committee.

Mr. *Bathurst* spoke against the motion. No good ground had yet been stated for it; but strong arguments had been urged against it, and of these none had yet been contradicted by any sound reasoning. The House was called upon to go into a committee, there to discuss that which had been already discussed, and against which the House had already so often pronounced its opinion. In point of fact, to accede to the motion would be to give up the whole question; and the House might be as well openly and fairly called upon to concede the claims, without any security; for if they went into the committee, the only choice would be between the veto and the domestic nomination. One of the most extraordinary assumptions in the arguments on this occasion was, that things were now came to such a state that some change must be made in the laws respecting the Roman Catholics. For his own part he denied this *in toto;* and maintained that unless the House was prepared to overturn the fundamental principles of the constitution, to accede to the concession called for was impossible.

Lord *Castlereagh* regretted, that he should be placed in the painful situation of differing from many of those for whose judgment he entertained the highest respect, and he should therefore offer what he had to submit to the House with the utmost diffidence. One of the difficulties attending this discussion was, that it was scarcely possible to adduce one new argument or one topic that was not already exhausted on either side of the question; but it was not the less necessary, in his opinion, that parliament should, with all convenient speed, deliver itself from the agitation of this painful subject and the feelings which its renewal necessarily created. No point, no topic whatever in the course of the present debate had struck him, and he was sure had impressed the House more forcibly, than the wish of a right hon. gentleman that this question was for ever set at rest. Never, he was sure, could a more important favour be conferred on the country than by this being done. No person attached to the constitution, he was confident, but would rejoice at it, and it was the duty of every friend of his country to do every thing to preserve the public harmony. He by no means wished to be understood as inclined to advocate any principle containing a particle of danger to the constitution. Whenever that appeared, it was the duty of parliament to face it in the most decided manner; but, if it appeared, upon a deliberate view of all the circumstances connected with the body, whose claims were considered, that no danger could arise from concession, there could, in his opinion, be no argument capable of proving that the question should not be set at rest for ever.

The question now came before them in a most interesting point of view, and it would, he was persuaded, meet that attention which it so justly deserved. It was by no means new, as he had already observed, for it had been already introduced into the House by a bill which was read a second time, and lost by a very small majority in the committee. There were so many considerations in favour of the proposition, that unless a strong case of danger were exhibited, he could not consent by opposing it to give the opportunity for the annual recurrence of a discussion so prejudicial to the general tranquillity. Any great question hanging, year after year, about parliament periodically to agitate the empire, was an evil, but when religious were mixed up with political considerations, the evil became much more serious in its nature. It was, above all, to be recollected that there was no probability that this question could be laid asleep by persisting in a system of permanent exclusion. In the present state of the world, that was not practical in any country, and certainly not in this. He was not one of those who would contend that in constitutional questions we ought to take the tone of other countries. He would not therefore refer to what had taken place in other states, as an example for Great Britain to follow. Still, however, it was important to look to the general feelings of the world on this subject, as affording a pregnant mode of estimating the advantageous change of sentiment that had taken place with respect to it. It was impossible to contemplate the temper recently manifested in Europe, without feeling that the former dangers connected with the question were considerably diminished, if not wholly removed. There was a period when the alliance of the Pope was courted by all. If the see of Rome had the power it formerly possessed of convulsing the European powers, and was capable of making an inroad upon the security of the surrounding states, there might be some principle on which objections could be raised to the consideration of the question. Latterly, however, Rome had not interfered in political questions. Let the House carry its attention back to the treaty of Westphalia, in which the question of religion formed so leading a feature; in which Catholic votes were balanced against Protestant votes, and in which the principle of exclusion was carried into effect. What was the case at present? When the great political questions of Europe were discussed at Vienna, he had never heard the subject of religion mentioned in any of those discussions as a ground for precaution. Indeed, he could state, that there prevailed a disposition not only not to interfere in such questions, but, to place all religions on the footing of political equality. In the diversified states of Germany, in some of which the Protestant religion, and in others the Catholic religion predominated, the whole body chose equality of religion as the basis of their mutual arrangements; and though there had occurred instances of disputes between the governments and the Pope, there had not been any contests between the different religions within the state, nor any other evil consequence from the system adopted. He did not mention this as affording an example to this country, but he mentioned it to show that in the days in which we lived there was no reason to suppose that the exclusive principle, opposed as it was by so large a class of the community, could be long maintained, It had been said that a change had taken place in the Protestant mind on this question, and that the disposition to persevere in restraints was greater than it lately was; but he would put it to those who were most adverse to concession, whether the question would remain to be discussed at the present moment, were it not for the rash and intemperate conduct which the Catholics themselves had pursued. The fact was, that the denial of the Catholic claims which had hitherto been persisted in, was attributable not so much to a wish on the part of the Protestants to monopolize the privileges of the state, or to an apprehension that the removal of the restrictions was a measure incapable of being reconciled with the safety of the church and state, as to the indiscretion of the Catholics, in the way in which they had claimed those privileges.

Although he differed in opinion from his hon. friend, who had spoken second in the present debate he had listened to him with great pleasure in consequence of the information with which his speech abounded and the clearness with which he had made his statements. It might, however, appear to the House a paradox; but the fact was, that most of the circumstances adduced by his hon. friend, as objections to granting any concession to the Catholics, were with him (lord C.) motives for granting that concession. The ultramontane doctrine attributed by his hon. friend to Rome, formerly threatening evil, but now innoxious;—the restoration of the order of Jesuits, received with gratitude in the countries in which it had taken place, on the same principle, unintelligible to us, on which the inquisition was popular in Spain,—these circumstances, diminished as the danger was, in other respects, appeared to him only to furnish arguments for doing at present what our ancestors were wrong in abstaining from doing—destroying the exclusive system. That religious animosity, that melancholy want of charity between man and man in Ireland, to which his hon. friend had alluded formed of itself an additional and powerful reason for acceding to the present proposition. It was not to please the Catholics that he recommended this course, but to place the state in a situation of safety. He wished to do what would destroy the exclusive system with respect to the Catholics. It would be an additional pleasure to him, if that could be done in the way that would be acceptable to them. But whether or not it pleased the Catholics, he wished it to be accomplished, because it would put things on a footing which he believed in his conscience the good of the empire required. He believed, that a sound temper would never exist in Ireland while religious considerations continued in that country on their present narrow basis; and until measures of conciliation were frankly and unequivocally adopted. Never would he believe that any existing danger could be aggravated by the introduction into parliament of a few noble Catholic peers, or of a few generous Catholic commoners. On the contrary, he was persuaded that they would be the foremost to repress any deluded people of their own religious persuasion, who might be attempted to disturb the public tranquillity; and the concession of the Catholic claims would afford them most powerful means of achieving an object so desirable.

It was the unhappiness of Ireland, under its present circumstances, that the state had not sufficient talents to maintain itself, and carry it through adverse circumstances. A connexion with the higher ranks of the Catholic body would afford an aid in that respect which would be invaluable. He therefore denied that this proposition specially stood on the ground of indulgence to the Catholics. Were it even repugnant to them, he would press its adoption, because whatever might be the present pain, the ultimate benefit, to which parliament ought invariably to look in their legislative enactments, would be decisive. He would not allow himself therefore to be discouraged by any remaining intolerance which the Catholics might exhibit, or by any other unpleasing feature in the state of Ireland. He allowed that change, not calculated to produce advantage, was to be cautiously avoided; but in the present case, he contended, that the prosperity of the empire hinged on an alteration in our system. It was, he repeated it, a most desirable thing to set aside, and lay asleep a great question which afflicted the legislature every session, and during its existence left Ireland a prey to agitators.

Having said thus much with respect to the general question of concession, he came now to consider that of security. And here, he was satisfied that little difference of opinion existed between his hon. friend and himself, except that he regarded the difficulty of obtaining the necessary security as much less than his hon. friend appeared to think it. He went along with his hon. friend in declaring, that unless all the security which oaths could give was afforded by the Catholics, the proposed measure ought not to be acceded to. But this appeared to him to be of no difficult accomplishment. He perfectly agreed with his hon. friend, that unless every security which oaths could afford were given, the relief asked ought not to be granted: but the pope had already sanctioned oaths on the part of Catholics, and he believed was not likely to object to any other that might be proposed on the same principle. He also completely agreed with his hon. friend in adopting it as an indispensable security, that with the exception of the confessional communication, no intercourse should be permitted with the see of Rome which did not pass through the state. Were there no other reason than that a similar precaution was resorted to in all other states, it would be sufficient. It was a security which the country owed to itself; and he understood that there was no reason to suppose that the Catholics would object to it. With respect to the authority of the state in the nomination of the Catholic clergy, it had been truly observed by his hon. friend, that in Prussia, the only Protestant continental state in which Catholic bishops were permitted, these bishops were nominated by the government; and that in the other Protestant states, the inferior clergy were also so nominated. No rational Catholic could therefore suggest conscience as an objection to the adoption of similar regulations in Ireland. They might certainly say, that they would rather be without those regulations; they might express their apprehension, that they might be placed by them too much under the influence of government: but they could not object to them on the ground of conscience. Rome had renounced on that subject. M. Quarantotti's rescript (however indecently it had been ridiculed in Ireland) was certainly made in full communication with all the authorities of the Romish church. It was an important circumstance (though not generally known) with respect to that document, as throwing a light on the disposition of the see of Rome, to facilitate all such arrangements as were calculated to establish a more liberal policy, that that rescript was issued by M. Quarantotti, *ex cathedra*, on the impression that the bill to which it referred had positively passed the British parliament. But, if any doubt could have existed on the subject, it was put an end to by the head of the church of Rome. The pope had himself decided the question, having shown, through the medium of cardinal Litta, that the rescript contained no direction contrary to the conscience of any good Catholic. It was certainly painful to him to see that great body of Irish Catholic bishops, whom, in times of disturbance, he had always found disposed to exert themselves to tranquillize the public mind, so far bend to popular clamour as to repress their own feelings, and oppose that which was not hostile to their religion, and which in the document of 1799 they had allowed. Had the measure been against their consciences, ten of that respectable body would not have given him to understand that they were ready to agree to it. They had, it was true, since stated objections: and some of them, he was willing to acknowledge, appeared not unfair: but though they had declared a preference for domestic nomination, he still did not believe that there existed any sentiment in their minds which would create a serious repugnance to what parliament might decide, and the see of Rome sanction, as not inconsistent with Catholic doctrine. Notwithstanding all that had passed, there was therefore no reason for parliament refraining from giving as a boon that which might appear fit to be granted. But if they should not be sensible of the benefit, he would act in this case as he had acted at the Union—he would adopt a measure, the advantage of which time would demonstrate.

He wished to say a word on what had fallen from his right hon. friend near him (Mr. Yorke). He (lord C.) attached great importance to such a regulation of the arrangement, as would give the Crown a distinct knowledge of the individual to be made a Catholic bishop, before that individual assumed the sacred function. There would be many instances in which government would have a more ample knowledge of such an individual's character even than the ecclesiastics by whom he might be chosen. As to the consent of the Catholics to this, he conceived that there were the strongest reasons to expect that the Catholics of Ireland would manifest as decided a disposition to place confidence in the liberality of their Crown and state, as the Catholics of other countries did in theirs. If not, it would, in his opinion, be a pretty strong intimation that the time for concession had not yet arrived. But he had no difficulty in expressing his conviction, that were the proposition made to the Catholic bishops to-morrow, they would acquiesce, and gratefully acquiesce. As to an election of the bishop within the chapter, he deprecated that as tending to great practical abuse. He was confident that such a system would introduce a spirit of democratic contest, mischievous in all countries, but particularly in such a country as Ireland. His right hon. friend had dwelt much on the repugnance exhibited by the Catholics to the Veto. He (lord C.) regretted that the word had ever been used. Every body knew how much there was in a name, especially in the country of which he had the honour to be a native. Let a repulsive name be given to any thing in that country, and there was an end to it; and Veto was a forbidding word.

But whatever might be the nature of the security eventually required, he certainly thought that it would be most advisable that a period should intervene between that in which both Houses of Parliament might declare their general sentiments on the question, and the ultimate enactment of any bill that might be founded on those sentiments. An opportunity would by that means be afforded of ascertaining with more precision the opinion of Rome, so that when the act came into operation in Ireland, it should have the united force of a temporal and a spiritual measure. All doubt of the opinion of Rome being removed, no cavil could be advanced on the subject, and he was convinced that such an act would be carried into effect in Ireland with as much ease and tranquillity as a turnpike bill. Not, however, that he felt any difficulties with respect to the opinion of Rome: for that opinion had been so distinctly pronounced, that they would not be legislating in the dark, whatever measure they might think proper to adopt. It had been said, that the number of the Catholics as compared with that of the Protestants, was as ten to one: he never before had heard it stated at more than four to one. But, he believed the property, as it now stood, of the Catholics compared with that of the Protestants, was as fifty to one. On the principle of giving security to property, he had supported the Union; because it tended to take Ireland out of the situation of a garrison.

On all these grounds he felt himself, as on former occasions, bound in duty to support his right hon. friend's motion. He was persuaded that the question could not otherwise be got rid of: and this ought to operate as a strong practical motive to induce those who were not altogether favourable to concession to withdraw their opposition to it. He saw no danger in the measure. He did not believe that the *quantum* of power which it would give the Catholics would enable them to do mischief, if they were disposed to do any. He did not believe that the introduction of a few Catholic gentlemen in parliament would be productive of any danger to the state. On the contrary, he was convinced that it would diminish the existing danger, by softening the religious animosities which existed in Ireland—that most valuable and most interesting portion of the empire. He was persuaded that the indirect influence of the Catholics in that House was much more injurious than the direct influence could be; because the latter would be accompanied by responsibility. If the Catholic gentlemen came into parliament they would come to make a character, and to dispel those gloomy conceptions which too many Protestants were disposed to entertain of them. He thought that a Protestant brought into parliament under the operation of Catholic influence manifesting itself in the exercise of the elective franchise, was more likely to play the false Protestant, and to pander to Catholic prejudices, than the son of lord Kenmare or of any other Irish Catholic nobleman. So far was he from apprehending danger from the introduction of such individuals, that all he should dread was, that for some time not enough would be sent to soften down those asperities which every true friend to the country must wish to remove. Until they had got the Catholics among them in that House, fighting by their side the battles of the constitution, as in our wars they had so bravely fought by their side the battles of the country, he should never be satisfied. Feeling this strongly, he should be guilty of great baseness were he not to declare it. During a part of his life he had considered it his duty, under existing circumstances, to oppose the claims of the Catholics. But those circumstances no longer existing, he was bound to make an earnest and a solemn appeal to the House in their support. Until the subject should be disposed of, the legislative would never enjoy repose; nor should we appear in the eyes of Europe and the world as we ought to do—an empire, consolidating its varied population into one great mass, actuated by the same interests, and directing its energies to the same objects.

Mr. *Peel* rose and said:—

Sir; It is not without great reluctance

that I rise to address the House. I cannot but perceive an indisposition to listen to those who concur in my view of this question; I may subject myself to the imputation of presumption by endeavouring to reply to my noble friend; and, above all, I have the painful task imposed on me of avowing my total dissent from the opinions which he has delivered. But, Sir, I have a public duty to perform, and cannot be deterred by any considerations from performing it. It would tend to impede the freedom of discussion, and prevent the discovery of truth, if the arguments advanced by men of superior abilities were exempted, through the deference or apprehensions of others, from being fully and minutely canvassed.

I must in the first place, call the attention of the House to the course of proceeding which has been adopted by the advocates of the Roman Catholic claims. Towards the close of the last session, on the 21st of May, we were called upon to give a pledge, that *early* (observe) in the present we would take into our serious consideration the laws affecting the Roman Catholics; and it is not until the 9th of May that we are invited to enter upon the discussion. We have at length entered upon it, and we are arrived at this stage of the debate without having heard, from the proposer or from the supporters of the resolution which has been moved, one single word with respect to the distinct nature of the proposal which is to be made in the committee, should the committee be granted.

The resolution proposed by the right hon. gentleman is that which was moved previous to the introduction of the bill of 1813. It proposes "that we shall take into our most serious consideration the state of the laws affecting his majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects; and I leave the House to judge from the speeches that they have heard from the supporters of this motion—above all, from the speech of my noble friend—what prospect there is that, from the adoption of this resolution, any *satisfactory* proceeding can result.

The House will bear in mind that it was in pursuance of this resolution that the bill of 1813 was introduced; that bill which gave satisfaction to no class of his majesty's subjects, but was most reprobated and rejected by that very class for whose benefit it was intended. By that bill every political privilege and capacity was conferred upon the Roman Catholics, with two exceptions; and certain restraints and conditions were imposed, with a view of securing the state and the Protestant establishment from any danger which might result either from the appointment of improper persons to be Roman Catholic bishops, or from an unfettered communication between the Roman Catholic church and the see of Rome. Sir, the Roman Catholic body of Ireland declared they could not accede to the terms on which it was thus proposed to grant them political privilege.—The Roman Catholic prelates resolved that they could not be parties to the ecclesiastical arrangements without incurring the guilt of schism, and the Roman Catholic laity declared that they would prefer their present state of exclusion, to the removal of that exclusion on the conditions proposed.

Now, I distinctly understand from my noble friend, that he thinks the same securities which were required by the bill of 1813 must be now demanded. My noble friend has shown that greater securities are taken by every state of Europe, and has proved, on the authority of the see of Rome, that it is not incompatible with the doctrines of the Roman Catholic church to admit an interference on the part of the Crown in the nomination of Catholic bishops and to allow an examination of the correspondence between the see of Rome and the Roman Catholic church. But will the Roman Catholics of Ireland admit of either one or the other? Will they consider that to be a final and *satisfactory* arrangement, of which securities which they reject with abhorrence form an essential and indispensable part? They cannot do it with any regard to truth or consistency—nor will they.

To the authority of my noble friend, who thinks they will, I oppose the authority of the Roman Catholic prelates, and the Roman Catholic body at large, who have spoken in terms as unequivocal as language can supply. You may enact these securities if you will—you may even compel obedience—but will this be in conformity with the resolution you have moved? and will this be the *satisfactory* and tranquillizing arrangement which you are desirous to conclude? My noble friend says, that it is absolutely indispensable, in his mind, that the security against improper communication with the see of Rome, —which is called technically the *Regium Exequatur*,—should be taken. He thinks too, that the authority of the see of Rome should be procured before it can be taken satisfactorily. Now I will prove to him, from a document which he admits to be authentic, that this security, by this authority, he cannot have. I hold in my hand the letter from cardinal Litta, the official organ of the see of Rome, to doctor Poynter, of the 26th of April, 1815, from which I will read the following extract:—" As for the examination of rescripts to which I have alluded above, or what is called the *Regium Exequatur*, it cannot be even made a subject of negociation; for your lordship well knows, that as such a practice must essentially affect the free exercise of that supremacy of the church, which has been given in trust by God, it would assuredly be criminal to permit or transfer it to any lay power; and indeed such a permission has never anywhere been granted." I ask, then, my noble friend, whether, with his views upon the subject of securities, he sees the prospect of an arrangement which will give satisfaction even to himself.

It is true that, in place of the securities required by the bill of 1813, we have a substitute proposed,—a new security, as we are told,—called domestic nomination. This professes to be an arrangement which will exclude foreign influence in the appointment of the Roman Catholic prelates. Now I must observe, in the first place, that, in the bill of 1813, is was not against foreign influence merely that you attempted to guard. In that bill you declared that it was "fit and expedient" not merely that the Roman Catholic prelates should be exempt from foreign influence, but that "their loyalty and peaceable conduct should be ascertained to the satisfaction of his Majesty." This new security, therefore, which you proffer, not only falls far short of the security, which in 1813, you declared to be "fit and expedient," but it is not even of the same character.

But is it not extraordinary that this offer should be called the offer of something new, and, above all, should be so called by the hon. baronet (sir H. Parnell) who proposed it? The hon. baronet has scarcely ever made a speech on this subject without informing us that there is not at present any foreign interference whatever in the selection of the Roman Catholic prelates,—that their confirmation at Rome is a mere matter of form. He has told us, if I am not mistaken, that the pope has interfered only once in the direct nomination of a Roman Catholic prelate since the Revolution (1688),—and that we did not much benefit by the selection which his holiness on that solitary occasion was pleased to make. Now, I can understand the hon. baronet, if he will argue that, as there is no foreign influence, there is no necessity to guard against it; but I am utterly at a loss to comprehend him, when he, who denies that there exists any foreign interference, dwells with such satisfaction upon the value of an arrangement, which professes to exclude it, and thus obviate a danger which he does not believe to exist.

Now, Sir, I wish to know by what authority even this security is offered,—and I entreat the attention of the House to this point. This offer professes to be made by the Roman Catholic prelates. Not one word has yet been uttered from which we can infer that the see of Rome has sanctioned the offer; yet without the consent of the see of Rome, it cannot, I presume, be accomplished I infer this from the resolutions of the Roman Catholic bishops on two occasions. In 1812 they resolved, "that as we are at present precluded from any intercourse with our supreme pastor, we feel ourselves utterly incompetent to propose or agree to any change in the long-established mode of appointing Irish Roman Catholic bishops." —And in 1813, when referring to the ecclesiastical arrangements contained in the bill of that year, they resolved that "it would be impossible for us to assent to them, without incurring the guilt of schism —inasmuch as they might, if carried into effect, invade the spiritual jurisdiction of our supreme pastor, and alter an important point of our discipline; for which alteration his concurrence would, upon Catholic principles, be indispensably necessary." Now does domestic nomination, if it effects any thing, invade the spiritual jurisdiction of the see of Rome? and if the concurrence of the see of Rome is, on Catholic principles, indispensably necessary, why are we not informed whether that concurrence has been obtained or not?

After what passed on the subject of the Veto, it is right that there should be no misunderstanding on this point.—Remember that, in 1799, the Roman Catholic prelates resolved, that "such interference of government, as may enable it to be satisfied of the loyalty of the person appointed, is just and ought to be agreed to." Remember that, in 1808, a right hon. gentleman (Mr. Ponsonby) thought himself authorized by Dr. Milner to accede to the Veto on the part of the Roman Catholic prelates of Ireland;—and now, notwithstanding the resolution of 1799 and the supposed authority of 1808, the Veto is denounced as utterly incompatible with the tenets of the Catholic church, and subversive of the religion itself. I ask not with whom this mistake originated—I stop not to criminate—I only notice the fact, to show that a serious misunderstanding has more than once arisen, and that we ought to guard against its recurrence.—I ask, then, whether the pope has sanctioned this offer of domestic nomination? I ask it with more earnestness, because I have seen a document published, apparently by authority, from which it does not seem clear that this sanction had been given. A correspondence has been published between Mr. Hayes, a Roman Catholic priest, deputed to Rome, and Cardinal Litta, in which Mr. Hayes puts to the cardinal the following question: "Whether that mode which (in order to remove every groundless fear of any possible abuse, by which the pontifical authority might interfere, which never will happen, in the civil concerns of the kingdom) is proposed to government by the Catholics, namely, that the clergy or bishops, or rather both jointly, should nominate the candidates, and which is therefore called domestic nomination, seems subject to meet with any difficulty on the part of the holy see?" To this the cardinal replies—"Finally, as to what is now annexed in your letter, touching what is called domestic nomination, I do not perfectly understand what this term is meant to signify. An explanation therefore seems requisite before any definite reply can be given." This correspondence took place so late as October, 1816. Whether the explanation has been given, and the definite reply received, I know not—but it is fit that some information upon the point should be afforded to the House, before it is called upon to accept of this domestic nomination as a full security for the present Protestant constitution.

I must now advert to the extraordinary speech of my right hon. friend (Mr. York). I listened to him with the firmest conviction of his sincerity, with the highest respect for his character, and with no small admiration at the singular project which it is his intention to launch forth upon that boundless sea, on which we are invited to embark. Let us see what prospect there is for him also of a *satisfactory* arrangement. If I understand him, he will, in the committee, propose a bill, containing provisions, regulating the election of Roman Catholic bishops, not merely providing for domestic nomination, but enacting the precise mode in which that nomination shall be effected. In order that foreign influence may be altogether excluded, he will place the popedom, so far as Ireland is concerned, in commission as it were, and a board composed of the four Roman Catholic archbishops is to possess that spiritual jurisdiction in Ireland which is at present exercised by the pope.—And this bill, when it shall have received the assent of the legislature, is to have its operation suspended until the acquiescence of the pope shall have been obtained. Of all the propositions that have ever been made, objectionable in principle or dangerous as precedents, this is the most objectionable and dangerous. What, Sir, will you make the operation of a solemn act of the King, Lords, and Commons, of this kingdom, contingent on the acquiescence of the pope? Will you, in the very act which professes to exclude for ever the influence of the pope, recognize and establish that influence so far as to erect it into a fourth estate? Will you deal so harshly and unjustly by the Catholic as to admit by so solemn an act, the policy and justice of concession, and then withhold it from him for ever; not for any fault of his, but because an aspiring and unreasonable pope shall refuse the terms which parliament proposes, and which the Irish Roman Catholics may be willing to accept?

I have, Sir, hitherto been addressing myself to those who are of opinion that it is practicable to accompany the proposed concessions with such securities as shall effectually guard the constitution of this country from danger. I must confess, however, that in their number I am not included. I have heard of no securities, nor can I devise any, which will allay the apprehensions I entertain. I will now state my own view of this question; and, as my noble friend has particularly applied his reasoning to the state of Ireland, and to the manner in which that country will be affected by the success of this motion, I will now follow his example, and confine myself within the limits which he has chosen.

The question which we have to determine, is this; whether it be advisable to continue the present system of laws affecting the Roman Catholics, under which Ireland has been governed since the year 1793, or whether we shall substitute some new system in its place? It is not, whether we shall remove certain inconsistencies and anomalies which are pointed out in the existing laws; but whether we shall substitute, in the place of the present, almost a new form of government. The gentlemen opposite dwell upon these inconsistencies,—they tauntingly ask why a Roman Catholic may hold the commission of the peace in Ireland, and is not qualified to hold it in England?—why he may hold a certain rank in the army in Ireland, and yet must forfeit that rank on his arrival in England? But the remedy they propose is not to remove the inconsistencies they complain of—not to put the Roman Catholics of the two countries on an equal footing in these respects, but to confer on all the right of sitting in parliament, and every capacity for office and political power. When the clause of the bill of 1813, which admitted the Roman Catholics to parliament, was negatived in the committee, the bill was withdrawn altogether, and we were told that divested of this clause, it was a measure of relief neither befitting the Protestant parliament to grant, nor the Catholic community to receive. I am warranted, therefore, in arguing, that we are now discussing the respective merits of two systems for the government of a great country.

Now I say, that it is impossible to decide on the merits of any such systems, without reference to the history, the state of society, and all the political and moral relations of the country, for which they are intended. When I hear that an equality of political privileges has existed in Hungary, or that the Roman Catholics in Canada have the same capacities with Protestants, I must first inquire whether the situation of Hungary, or the situation of a distant North American colony, corresponds with the situation of Ireland. My right hon. friend (Mr. Canning*) informed us, that in a department of France, the department of the Gironde, the professors of the two religions were on the same footing, as to political privileges, that they lived in harmony together; and thence he draws this inference, that a similar participation of power in Ireland will produce the same harmony. But can I infer, that because, in a province of France, where the vast majority of the population are Roman Catholics—where the established religion is Roman Catholic, it has been there found practicable to admit all classes to equal privileges, that, therefore as a matter of course, the same measures are advisable when applied to a great kingdom wherein the vast majority are Roman Catholics, and where the religion of that majority is not, and must not be the religion of the state. I repeat, then, that I must consider the internal state and political relations of the country, for which I am about to legislate, before I can determine what is likely to be the result of legislation.

Let us, Sir, then consider the state of Ireland—let us recollect that Ireland is a country separated by nature from that to which she is united by law; a country having once had an independent existence—having within twenty years had an independent legislature,—having still her separate courts of justice, and distinct departments of executive government.

In that country there exist two religious establishments, two co-extensive hierarchies, the one sedulously affecting, the other legally possessing, the same dignities, titles, and spiritual authorities; the latter superintending the religious concerns of the great majority of the people, not endowed, indeed, nor encouraged, by the state, but exercising over the minds of its adherents, from the very nature of its doctrines and the solemnity of its ceremonies, an almost unbounded influence; the other, the church of the minority, splendidly endowed no doubt, but endowed with the temporalities which once belonged to its excluded, but aspiring rival. Recollect under what circumstances the transfer of these temporalities took place,—recollect that in Ireland there was, in fact, no reformation; there was no conversion of the mass of the people from one religious creed to another; no conviction brought home to their minds of the errors or abuses of their ancient church; attempts were made to effect that conversion by other means, and they failed, and have left the natural consequences of such attempts, irritation and hostility. You assert that we have misruled Ireland, and you argue that we must adopt the policy you recommend because we have misruled her. Without discussing the truth of that assertion, I deny the force of that argument. We may regret this misrule, and its consequences, but what we have to determine is this, circumstanced as Ireland now is, by what course of policy shall we best promote the interests of the empire at large?

---

* See Vol. 34, p. 1257.

We find Ireland, then, circumstanced as I have described, united by an inviolable compact to Great Britain; and we find it an essential article of that compact, that the Protestant religion—the religion of the small minority (in point of number) shall be the established and favoured religion of the state. We cannot make a constitution *de novo;* it is needless to resolve what would be the best system of law under another state of circumstances. We must modify and adapt our theories to the conditions of that national compact which we cannot infringe; and to that state of national establishments, which no one proposes to alter.

Sir, with respect to Ireland, we might originally have pursued one or other of four lines of policy.

We might have proscribed the religion of the Roman Catholics, and reduced them, by the severity of penal statutes, to a state of degradation. This policy we have pursued, and, be the consequences what they may, I never can regret that it has been abandoned. To revert to this policy is impossible.

We might have pursued a totally different course, have established the Roman Catholic religion as the religion of the state in Ireland, and have given every political privilege to its adherents. The adoption of this course is precluded, not merely by that solemn settlement, the Act of Union, but by the unanimous sentiments of every member of every side of the House, which are pledged to preserve the Protestant as the established religion of the state, and to maintain an inseparable union of the church of England and of Ireland.

There remain two other systems possible to be adopted in Ireland, and between these we must make our choice. The one is that on which we are acting at present, the other that which we are called on to substitute in its place.

By the first we give every toleration to the faith of the majority, but maintain that of the minority as the religion of the state. We exclude the Roman Catholics from those offices which are immediately connected with the administration of, and may be said to constitute, the government of the country—admitting them, generally, to all other offices, privileges and distinctions.

It is proposed to replace this system by another, which shall equally profess to maintain the religion of the minority, as the established religion, but shall open to the Roman Catholics both Houses of parliament, and every office in Ireland, save the first executive office of the state—that of lord lieutenant.

Now, Sir, it will be my purpose to prove that the code of laws on which we are now acting is preferable to that which it is proposed to substitute in its room,—more likely to preserve, inviolate, the union between the two countries—more likely to provide for the stability of the Protestant church establishment in Ireland—and to ensure harmony between the Roman Catholic and [Protestant inhabitants of the country.

In attempting to prove this, I will avoid, as far as possible, every topic which can tend to inflame or even to give offence. I will not revive the memory of ancient struggles for ascendancy, and if any advantage to my argument might be derived from dwelling on instances wherein power has been abused, or revengeful feelings have been indulged, that advantage I cheerfully resign. I will not impute to the Roman Catholic church any doctrines which are not avowed, and I will give to the professors of that faith the full advantage of every disclaimer they have made. If the privileges required are to be conceded, I have no wish to lessen the grace of concession;—if the hopes of the Roman Catholics shall be disappointed that disappointment I will not aggravate.

I will suppose the Roman Catholics of Ireland to have the same feelings—to be influenced by the same motives—to act on the same principles with other men, and I affirm that almost every objection which applies to that code of laws which you seek to abrogate, will apply, with equal force, to that code by which you propose to replace it;—that there will be greater anomalies and inconsistencies in the latter—and a moral certainty that the arrangement you seek to make will be less conclusive and satisfactory than that which you have made.

Let us examine the objections to the present laws. Do not suppose that I think they constitute—in the abstract, and without relation to the state of society for which they are intended—a perfect system, or that I rejoice in the exclusions and disabilities which they induce. I regret that they are necessary, but I firmly believe you cannot alter them, in any essential point, for the better.

It is objected, in the first place, that, as we have admitted the Roman Catholics to the elective franchise, and as we have thus placed substantial power in the hands of the democracy, it is absurd to withhold the higher privileges—office, and seats in parliament from the aristocracy. Now I must observe that objections of this kind show how cautious we should be in making further concessions. When the elective franchise was sought for, it was not then foreseen, at least it was not argued, that the capacity for political office must necessarily follow. [Mr. Ponsonby dissented.] Sir. Mr. Burke—that most anxious advocate of the Roman Catholic claims—did not so argue,—after observing that the constitution is not made for general proscription, he states that there is a clear distinction between a franchise and an office, and the capacity for one and the capacity for the other. He says that franchises belong to the subject, as a subject, and not as a member of the governing part of the state; and that the Test Acts, while they left the privilege of sitting and voting, excluded the Protestant dissenters from civil and military offices. He adds, that he does not mention this as approving the distinction, but as establishing the fact that such a distinction has been made by the legislature.

But, Sir, I see no inconsistency in admitting the Catholics to an influence in the state, which the possession of property usually confers—and in requiring at the same time that this influence should be exercised through a medium not hostile to the religion of the state. I see no inconsistency in permitting the Roman Catholics to choose the representatives and advocates of their interests,—but in taking at the same time, a security that those representatives, warmly as they may espouse their cause, shall have no religious bias in their own minds against a Protestant government in church and state.

Again, Sir, we are told that we cannot stop where we are: I answer that we are more likely to stop where we are, than we shall be if we advance to the point to which we are invited. We are told that the present system proceeds upon no principle: I answer, that the system which is proposed as a substitute contradicts the principle on which it professes to be founded.

You propose to open to the Catholics parliament, and to invest them with political power;—to make them capable of acting in the highest offices of the state, and of being the responsible advisers of the Crown. You tell us that the Roman Catholics of Ireland are advancing in wealth and education, and that, as you remove the disabilities under which they labour, their advance will be the more rapid, and they will become more influential in the state. Do you then mean, *bona fide*, to give them in Ireland the practical advantages of the eligibility you propose to confer upon them? Do you mean to give them that fair proportion of political power, to which their numbers, wealth, talents, and education, will entitle them?

If you do, can you believe that they will, or can, remain contented with the limits which you assign to them? Do you think that when they constitute, as they must do,—not this year, or the next, but in the natural, and therefore certain order of things,—by far the most powerful body in Ireland;—the body, most controlling, and directing the government of it;—do you think, I say, that they will view with satisfaction the state of your church, or of their own? Do you think that, if they are constituted like other men, if they have organs, senses, affections, passions, like yourselves—if they are, as no doubt they are, sincere and zealous professors of that religious faith to which they belong—if they believe your "intrusive church" to have usurped the temporalities which it possesses;—do you think that they will not aspire to the re-establishment of their own church, in all its ancient splendour?—Is it natural that they should?—If I argue even from my own feelings, if I place myself in their situation, I answer that it is not! May I not then without throwing any calumnious imputation upon any Roman Catholic—without proclaiming (and grossly should I injure them if I did) such men as lord Fingal, or lord Gormanstown, to be disaffected and disloyal—may I not, —arguing from the motives by which man is actuated, from the feelings which nature inspires—may I not question the policy of admitting those who must have views hostile to the religious establishments of the state, to the capacity of legislating for the interests of those establishments, and the power of directing the government of which these establishments form so essential a part?

Sir, the history of Scotland is referred to as proving the policy of granting those privileges which we are now called on to grant, and though I reject it as affording any precedent at all analogous to the present case of Ireland, I cannot help feeling that it may be, at some future time, with great force, appealed to in favour of the establishment of the Roman Catholic religion in Ireland. What was the policy towards Scotland? After vain attempts to impose on the people a form of religious worship against which they revolted, you abandoned these attempts, and established, permanently and inviolably, the Presbyterian church, its doctrine, discipline, and government.—Scotland with her Presbyterian church, has been united to England with her Episcopal church: all jealousies are buried in oblivion, and the political union is complete. And shall we not hear, at no distant period, appeals to the case of Scotland not to prove the policy of conferring mere civil privileges, but to show that the union of countries with different religious establishments may lead to the happiest results. "Carry then," we should be told, "a principle sanctioned by reason and experience to its full accomplishment; establish every where the religion of the majority as the religion of the state, and unite in one consistent frame of government—Protestant England, Presbyterian Scotland, and Catholic Ireland!"

But not being yet prepared to go so far we are for the present assured that the numbers of Roman Catholics who will be returned to parliament will be very limited. "True, there may be danger, but then it will not be very great!—You will not have more than ten Roman Catholics in the House of Commons—and ten Roman Catholics cannot overturn your establishment!"—And are these the clumsy securities which are offered to us? These —so little in unison with the spirit of that constitution which we profess to maintain, but which in truth we are about to abandon? If the Roman Catholics entertain no principles and no views hostile to the establishments of the state, admit them to privilege without reference to the number to be admitted: if they entertain such, exclude them, not because their numbers will be limited, but fairly and openly, because you cannot confide in them.

We are told again that the Roman Catholics will only be qualified for office,— that they will only have eligibility,—and that the Crown may still, if it think fit, continue the exclusion.—Sir, if the parliament confers eligibility on the Roman Catholics, the Crown ought not to exclude them from a just proportion of power:— the exclusion will be ten times more mortifying than their present disqualification; —it will be so, because it will be attributed to caprice—to unjust preference—to unfair suspicion. If it be unsafe to admit the Roman Catholics to a share in the government proportionate to their numbers and influence in the state, all the branches of the legislature ought to share in the odium of disqualifying them; it ought not to be transferred to one branch exclusively —to that branch too which is to continue unchangeably Protestant; to that branch which will be the more liable on that very account to the suspicion of prejudice and partiality, instead of being, as the constitution intends it to be, the fountain of all grace and favour.

But we are told that these concessions are to tranquillize Ireland: we are told that the mass of the people are in a state of irritation, and that nothing but Catholic emancipation can allay it: but we are not told what this emancipation is to effect with respect to the mass of the people? Do you confer any direct and immediate benefit upon the lower orders? You argue, indeed, that the ultimate effects of emancipation will be to ameliorate their condition, to raise up new classes in society, and to unite the lower and upper orders by gradations which are now wanting. Will the peasant understand this? Will he feel any immediate benefit? will he receive any practical proof that his condition is improved? Will he be less subject to the influence of that most powerful body, the Roman Catholic clergy? And reflect how that body is affected by what you call Catholic emancipation. You confer certain privileges— substantial benefits perhaps—on the aristocracy and the bar; but you confer none on the clergy; you do not even leave them as you find them; you concede to the laity, but you accompany these concessions with regulations and restrictions, bearing exclusively on the clergy: on that body whose influence is all powerful, and who, of all classes, must naturally view your establishments with the greatest jealousy and hostility. And then, the connexion between the mass of the people and the clergy remaining the same,—the people receiving no immediate advantage, nor prospective advantage which they can comprehend, and the clergy being subjected to restrictions against which they vehemently protest,—can we flatter ourselves that the predictions of tranquillity and concord are likely to be verified?

I am aware that in my argument, I have been assuming that the measure which is to be proposed, in the event of our going into the committee, will resemble the measure which was proposed in the year 1813. I am at liberty to assume it, at least from the speech of my noble friend, if not from the silence, with respect to any different measure, of those who preceded him: I cannot forget, too, that very able men were employed in framing the bill of 1813, and that it was the subject of the gravest deliberation; I cannot therefore presume that any better or more palatable measure will be now offered for our adoption. As new securities however, are talked of, let us put aside all the provisions of the bill of 1813, which regard securities, and refer to those only by which privilege and capacity were conferred. With all due respect for the authors of this bill, I must declare that it appears to me more replete with absurdities and inconsistencies than the laws which are now in force; and I consider it a most useful and instructive document, to prove how difficult it is for the ablest men to improve the constitution, and how cautious we should be in attempting to innovate on so sacred a subject.

Let us examine a little into the manner in which this bill was framed. The preamble of it recites that the Protestant episcopal church of England and Ireland is established permanently and inviolably: it then admits that that Protestant episcopal church forms an essential part of our free constitution, and prays that certain provisions may be made with a view to put an end to all religious jealousies between his majesty's subjects, and to bind them in all times to come by the same privileges and (observe) by the same interests in defence of their common government. The same interests!—you confirm the Protestant establishment as an essential part of the government, and then assume that the Protestant and the Roman Catholic will have the same interests in maintaining that government! You may declaim as you will, and make what preambles you please, but the force of nature and the spirit of religion are opposed to you, they contradict your preambles, and confute your declamation.

The bill then proceeds to admit the Roman Catholic to parliament, and how does it provide for his admission? It leaves the oaths which are to be taken by the Protestant member the same as it found them. He is still to advance to the table, and to take oaths, disclaiming, as pernicious and damnable, doctrines which are imputed by implication to his Roman Catholic colleague; and he is not merely to disavow these political doctrines, but he is to abjure certain spiritual tenets of the Catholic faith as superstitious and idolatrous. Having heard the insulting disclaimer of the Protestant, the Roman Catholic member will then advance, and an oath is to be administered to him, which (as has been well said) looks more like a bill of indictment against him than an oath which is to qualify him for the exercise of the highest privileges and most sacred duties. He is required to renounce as unchristian and impious the worst principles and doctrines that his most bigotted enemies in any age have imputed to him. Why do you call upon him to renounce such doctrines? Do you suspect that he entertains them? If you do, you should disqualify him, not from being a member of parliament, but from being a member of society: if you do not, why do you humiliate him by requiring a disclaimer? Oh, but he must disclaim them, however unjustly imputed to him, to satisfy the scruples and the prejudices of Protestants.—And is this your final and satisfactory arrangement?—Is this your plan for burying in oblivion religious animosities, and binding the Protestant and the Catholic by an identity of privileges and interests?

Then comes the clause admitting the Roman Catholic to office, quickly followed by the proviso, that from the first political office in Ireland—from the first legal office in England—the Catholic must still remain excluded; you differ then only with us in degree. You tell us that we have conferred substantial power on the Catholic, but subject him to mere mortifying exclusions, that serve but to irritate and annoy him;—that we have broken the chain which bound him, but still reserve some useless links of that chain to remind him of his former servitude. But you yourselves retain some of these links, fewer indeed in number, but just as offensive as a memento of degradation, and as a proof that the equality of privilege and the identity of interest is not established. And when you dwell, and with justice, upon the rank, and the station, and the character, of lord Fingal, let me ask you how, consistently with your principle, can you close against him for ever the first executive office of his native land, the only one, perhaps, to which he could aspire? He may represent his sovereign in Jamaica or in Canada,—he may exercise in distant colonies all the functions of sovereignty in church and state,—but in Ireland he cannot represent him,—in Ireland, the source from which grace, and mercy, and favour flow, is still to continue Protestant, exclusively and for ever?

But, though you must have a Protestant lord-lieutenant, you may have a Roman Catholic secretary: his friend, his adviser, his representative in parliament, may be a Roman Catholic. Sir, those who know any thing of the relation in which these two offices stand, must know how desirable it is, even on public grounds, that something more than mere cold official confidence, something partaking of personal esteem and mutual attachment should subsist between those who fill them:—and if you will look through this bill you will discover, that, if this faithful servant and friend of the lord-lieutenant shall presume, in some hour of careless confidence, to advise him in the appointment of any ecclesiastical, nay even any lay office or preferment in the Protestant church of Ireland, the secretary shall—(observe the cautious provisions against danger)—he shall, being convicted by due course of law, be deemed guilty of a high misdemeanor, and disqualified for ever from public service! And this is the bill which is to remove anomalies, to establish some perfect system of government, some final and satisfactory arrangement, to bury in oblivion, in all time to come, religious animosities!

Then, again, the Crown is to remain Protestant, but the adviser of the Crown may be Roman Catholic. You confirm in the bill the exclusion of the Roman Catholic from the Crown,—from that branch of the legislature from which he was most recently excluded by law,—from that high office from which he is excluded, not by the indirect operation of an oath, as is the case in other offices, but distinctly because he is a Roman Catholic. The irresponsible head of the executive government must be Protestant, but his responsible minister, his secretary of state, may be a Roman Catholic. You expose the successor to the Crown to be educated under the guidance of Roman Catholic ministers; and if he, from sincere conviction, shall conform to the religion of those whom you have given to him as confidential and responsible advisers, you subject him for ever to the forfeiture of his inheritance. In all this I can see nothing that can lead to harmony,—nothing that can constitute a final and satisfactory settlement—nothing but a wild and irreconcileable contradiction of principles.

Sir, I will now conclude. I am grateful to the House for the attention with which they have heard me. Let me entreat them to pause before they take the first step towards a radical alteration in the constitution of their country, and to reflect how difficult it is to predict the consequences of much less important alterations.

It is observed, Sir, by Mr. Hume, when speaking of the reigns of James the first and his successor, that religious spirit, when it mingles with the spirit of faction, contains in it something supernatural; and that, in its operations upon society, effects correspond less to their known causes than in any other circumstance of government. And this, says he, while it constitutes some apology for those who, having interfered in religious matters, are disappointed of the expected event, imposes at the same time a grievous responsibility on all who lightly innovate in so delicate an article.

This reflection, says he, is confirmed by all history:—and may it be a warning to us how we proceed to unsettle that which we find established. Let us recollect, that, under the constitution which we have derived from our ancestors, we have enjoyed more liberty, we have acquired more glory, we possess more character and power, than has hitherto fallen to the lot of any other country on the globe; and if there be any man yet undecided on this question, I entreat him that he will give the benefit of his doubt to the existing order of things,—and, that, before he gives his vote to a measure, of the consequences of which he is at least uncertain, he will weigh the substantial blessings which he knows to have been derived from the government that *is*, against all the speculative advantages which he is promised from the government that is *to be*.

General *Mathew* said, he felt himself particularly called upon to present himself to the House in consequence of the cheers which had followed the question of the right hon. gentleman, whether any person there was authorized by the pope to say, that his holiness would consent to domestic nomination? He did not mean to state, that he was directly authorized by the pope to say this [*a laugh*], but he had every reason to believe that there was a document in this country to that effect.

Mr. *Canning* said, it was not his intention to detain the House for many minutes from that vote which was so loudly and generally called for. He had so often and so fully explained his opinions upon this important and most interesting question, that he felt nothing more to be necessary on his part, on the present occasion, than to declare that those views remained the same,—that they were in no degree altered by any thing that he had heard in this debate, not even by the speech of consummate ability which had been last delivered by his right hon friend (Mr. Peel), and of which it was but justice to say, that it comprised every argument on that side of the question, and exhibited them all in the most luminous point of view. What, however, was, after all, the result of all his right hon. friend's reasonings? Why this—that we were in a situation of extreme delicacy and difficulty. That we could neither recede, nor go forward without hazard and inconvenience. Nor had his right hon. friend ventured to add, that we could safely and satisfactorily remain as we were. Could his right hon. friend have established this point, he (Mr. C.) admitted, that he would have gone far to dispose of the present motion, and of all questions of a similar kind. But he (Mr. C.) had watched in vain for any attempt at such an argument: and till this point was established, the arguments drawn from the inconvenience of going forward were, even if true in themselves, altogether imperfect and inconclusive as to the general question. To go back, no man had plainly proposed—to retract concessions already made, to restore disabilities already abolished:—yet that was the plain and logical inference from the arguments against going forward, coupled with the admission direct or implied that we could not stand still in our present posture.

"For my own part," said Mr. Canning, "if I thought that we could not move one step in concession, without danger to our civil and ecclesiastical Establishment, my part is taken—I would stand, at all hazards, and all inconveniences, where we are. I would not risk the security of these establishments for any theoretical—for any hope of practical improvement. But as in my conscience I believe that there is no such risk likely to be incurred—that the amplest securities may be taken, not only against real, but even against imaginary dangers, I am not deterred from examining patiently the practical remedies to be applied to a state of things allowed on all hands to be inconsistent and anomalous, and capable (as I believe) of being amended, not only without risk, but with advantage, and increased security to the Establishment."

He would not be led into a retrospective and particular examination of the provisions of the bill of 1813, because that measure was not before the House, and he was far from being at liberty to assume (however he might himself be partial to that measure, from the share which he had had in the formation of it), that precisely the same bill would, if the motion of to-night were carried, again result from the investigation of a committee.

It must be remembered, however, that to the bill of 1813, incongruous and undigested as it is now represented to have been—to that bill in almost all its parts—a pretty general concurrence was given, not only by those who supported, in different degrees, and with different modifications and reservations, the general proposition in favour of a final settlement of this perplexing and uncomfortable question, but even by those who, in general principle, were hostile to any concession to the Catholics. Many of the latter class of persons, the most vehement and the most leading of them, were prepared on that occasion, and so declared themselves in the memorable debate in which the bill was defeated,—to have gone the full length of the greater part of its provisions. The single point on which the bill was rejected was, that of the admission of Catholics into the two Houses of parliament.

On that point, Mr. C. did not hesitate to say, that he still retained the opinion which he had declared in 1813. He could not comprehend the policy, which allowing the Catholics to be admissible at all to a participation of any of the rights and functions of the state, would exclude them precisely from that right and that function, to which only the most enlightened among them could be eligible;—which, while it consented to fill the army, and the navy, and the bar, indiscriminately with Catholics and Protestants from the lower and middling walks of life, would still set a mark of exclusion upon the most eminent possessors of Catholic property, and upon the highest rank of Catholic talents. It was obvious that such would be the description of by far the greater part of those Catholics who could find their way into the two Houses of parliament. What danger was to be apprehended from their admission?—what designs against the state, but such as, if cherished by them at all, must be cherished with tenfold eagerness in their present state of hopeless exclusion?—what ability to carry such designs into execution, confounded, intermixed, and overwhelmed as they must be by the intermixture, with the multitude of their protestant colleagues?

But it was said, that though property would generally constitute the character and qualification of a Catholic member of the House of Commons—(for as to the other House of parliament, there could be no great apprehension:—the English Roman Catholic peers were capable of being numbered on the fingers; and the privilege conveyed to the Irish Roman Catholic peers, would be not that of sitting in the House of Lords, but merely of being eligible by their fellow peers to sit there); it was said, that though the Roman Catholic members of the House of Commons might be generally men of property, and consequently interested in the preservation of order and good government,—yet that there would be no absolute security that some of the demagogues of the day—some of those fire-brands who inflame the people of Ireland, might not find their way into the Irish representation. God grant it! Never did he (Mr. C.) hear or read of a boisterous demagogue, misleading, agitating, and inflaming the people out of doors, that he did not wish—as the best cure,—to see him brought into this House, and exhibited on these benches; and never had he seen the experiment made, without seeing cause to rejoice at the result of it. Nine times out of ten, the giant of the hustings or the scaffold shrunk, in the House of Commons, into his natural and not very appalling dimensions; the firebrands of mob-meetings, when exposed to the atmosphere of this House, only hissed and expired. There was no discontent, no alienation from the present state of things, of which he would not rather that the complaints should be uttered, and the grievances explained within the walls of the House of Commons: where, by the conflict of wholesome discussion, exaggerations were sure to be reduced to their just size, and the blessings of the constitution to be exhibited and maintained in contrast with its alleged imperfections.

But independently of this main concession (for such he allowed it to be)—the right of setting in parliament—there were, as he had stated, many, very many others in respect to which there had appeared to be a pretty general concurrence of opinion; many anomalies to be removed; many monstrous incongruities to be reconciled; many harmless but beneficial capacities to be imparted to our Catholic fellow subjects. He was not deterred by the apprehension that we could not do all that might be desireable: we must do what we could, not with a view to theoretical perfection, but to practical improvement. He was quite as little daunted by the apprehension that whatever might be granted to the Catholics short of the full extent of their wishes would be unsatisfactory to them. He knew not how we were before-hand to obtain the assurance that what we might do would be satisfactorily received. Tell not him what the Catholics would accept:—parliament would grant the boon upon its own conditions, and it was not for the persons who were the objects of it to mete out the measure of that boon.—In removing the remaining disabilities of the Catholics (so far as it might be right to remove them) and in annexing to this grace whatever conditions and limitations it might be thought necessary to annex to it, he looked not to the satisfaction of a part of the people, but to the good of the whole.—At the same time he confessed he felt no great apprehension on the subject of Catholic ingratitude,—

nor did he consider it as a point of honour to obtain by previous negotiation the assurance that what was conceded would be well taken and thankfully acknowledged. Let but the great work of conciliation be accomplished, he cared not on which side the advance began; whether the humble and contented submission of the Catholics to the will of parliament, whatever it should be, were] declared in the first instance, or the gratuitous benevolence of parliament excited the gratitude of the Catholics: he cared not from what point the circle of gold which was to bind together the whole community began to be drawn.—True it was that the bill of 1813 had been viewed with very different feelings by different portions of the Catholic world. By some no doubt with disparagement and discontent. But if this bill had produced discontent, it had also been received with approbation. And where was it received with discontent, and where with approbation?—With approbation at Rome, and discontent in Ireland.—But at Rome it was believed to have passed; in Ireland it was known to have failed. And what was the fair inference from this diversity of reception? Why that let parliament *pass* what measure it thinks fit upon the subject, and it will be thankfully acknowledged and cheerfully obeyed: but that repeated discussion, and repeated failure, in the present temper of the Catholics, furnish arms to the ill-disposed, and put to hazard the peace of the community.

For these reasons it was that he was anxious to go into the committee, and for these reasons also, when in that committee differences of opinion might arise (as was naturally to be expected) as to the extent to which concession should go, he confessed for himself that rather than, as in 1813, risk all, to obtain all, and throw away much because all could not be obtained, he should be well contented to acquiesce in such a degree of concession as might be sanctioned by a tolerably general concurrence of opinions.

His objects were reconcilement and tranquillization,—and the setting at rest, if not for ever, for years to come, a question which divided distracted and agitated Ireland; which afforded encouragement to faction and food to discontent: which was the cause of much mischief, but the pretext of more.—With these views to practical benefit, and not to theoretical perfection,—with these views, not to a hostile triumph of one party over another, but to a general pacification among all parties, he was anxious for the first step of going into a committee:—and out of that committee he should hope not to come without having gained something,—though not every thing which he in his own judgment might think desirable—but something, be it what it might, towards the mutual harmony of both classes of religious belief,—towards the contentment and peace of Ireland,—and towards the defeat of the designs of those incendiaries who would inflame discontent into disaffection.

Mr. *Grattan* replied to the following effect:—

Sir; I now beg leave to avail myself, late as the hour is, of the right which, at the commencement of this debate I reserved to myself of replying to the principal arguments that might be urged against the appointment of a committee. And first, Sir, with respect to the difficulty that is supposed to arise from going unprepared into the committee, I shall only observe that you may command your own securities. You may command the security of domestic nomination; you may command a check on the papal power. I positively deny that there is a general disposition in the Catholics to object to any security—what is for the good of the whole, is for the good of the Catholic. As to the expectation of giving complete satisfaction to every person on this or any other subject it is vain. You are to legislate on the principle of serving the country, without accommodating any particular set of men. If your idea is to serve, depend upon it that you will ultimately satisfy. A right hon. gentleman (who I regret was not more attended to by the House) observed in the course of his speech, that this was a Protestant constitution. That right hon. gentleman may baptize the constitution as he will; but originally it was Catholic. It was founded by Catholics. All the great laws to which the people owe their rights and liberties were the work of Catholics. The Bill of Rights in itself was merely a declaratory law of the privileges which had been obtained by our Catholic ancestors; and therefore we cannot contend that our constitution was not originally a Catholic constitution. The Commons form the third estate in the realm; but they are not all Protestants; they are composed of both Protestant and Catholic electors, who depute representatives to sit in this House. Those who deny that the Catholics have a right to demand emancipation, found their argument on inference. But you cannot take away prerogative by inference,—you cannot take away privilege by inference. And there is this great error in their argument, that they found their inference on a mistatement of facts. First they say that the Catholics are liable by the constitution to certain pains and penalties to which the Catholics are not liable; and from this they draw their inference. An honourable member on the second bench was pleased to tell us that at the time of the Revolution the exclusion of the Catholics from civil and military offices was a fundamental principle of the constitution. At that time danger threatened the established religion; but still you will observe, that the disabilities of which the Catholics complain, did not take place until after the Revolution. Some of them were enacted in the latter part of king William's reign, and other at the end of that of queen Anne. So that the constitution, as settled at the Revolution was, it seems, to be open to penalties against the Catholics, but shut to benefits towards them. Now, what sort of an experiment is this? It is an experiment to uphold one religion by inflicting pains and penalties on the professors of another. A great deal has been said about the prescribed oath by which, at the period to which I have alluded, the Catholics were excluded from civil and military offices. But if we examine into the nature of that oath, we shall find that it was not a penal oath against the religion of the Catholics, but an oath imposed on such persons as were then supposed to be ready to obey the temporal power of the pope; which the Catholics are now willing to abjure. And, in order to show that I do not mistate the fact, I will read to you the preamble of the act of parliament in which this principle is laid down.

The right hon. gentleman here read the preamble of an act of Queen Anne, which, after reciting an act of William 3d, set forth, that the aforesaid act was too severe against persons professing the Catholic religion; and then went on to state that, to admit the temporal superiority or power of the pope, or see of Rome, in Great Britain, Scotland, and Ireland, was contrary to the law of the land, and that it should therefore be enacted, that a certain oath should be taken by persons of the Catholic persuasion, abjuring that temporal power. Parliament subsequently gave its opinion on the nature of this oath. They said, that this oath was not directed against the Catholic religion, but against the temporal power of the pope. They declared that it was an abstract act; and they substituted for it the oath of allegiance. Here is the opinion of your own parliament in 1793, on the nature of the oath, and their express declaration, that it was not intended as a fundamental oath, but was only meant to operate against those who paid obedience to the temporal power of the pope—that it was in fact a dogma, and that the oath of allegiance was inserted in its place. This is the opinion of your own parliament, against the fundamentality of that oath, which honourable gentlemen call an unalterable law, and an essential part of the Revolution. I have thus the authority of the parliament of England, and I have the authority of the parliament of Ireland, to re-affirm the verity of what I have said. The fourth article of the union with England, recognizes the same principle. It says, "And that every one of the lords of parliament of the united kingdom, and that every member of the House of Commons, in succeeding parliaments of the united kingdom, shall use and take, and make and subscribe the said oath, unless parliament shall otherwise provide." Here was an express provision for the alteration of this "fundamental" statute. There is, first, a declaration of the fundamentality of the oath, and then there is a provision made by the parliaments of Great Britain and Ireland for doing it away. What then do those persons do, who contend for the fundamentality of this oath? "Here" say they, to the Irish parliament, "is an opening for you to come to the imperial parliament, to provide for an alteration of the exclusive oath." But now having annulled the Irish parliament, they declare "that the exclusion still remains, that it must not be interpreted according to the law of the land; and that exclusion is the final law of the land." These persons told the Irish Catholics "give up your parliament, and your religion shall be tolerated;" and now that the Catholics have given up their parliament, they tell them, "It is a fundamental law that your religion shall not be tolerated." This cannot have been the intention of the legislature. Parliament is incapable of committing so great a breach of faith. There is a motion to be found on the Journals of the House of Lords, which proves the truth of my position. It was moved in the House of Lords, that the House should go into a committee, for the purpose of declaring a certain oath fundamental, which disqualified for the acceptance of any office, persons who might refuse to take the sacrament, according to the church of England. On this motion the question was put, and it was rejected by a great majority. Here you have the opinion of the House of Lords, as you before had the declaration of your own House of parliament, that these are fundamental laws, but that they are subject to revision. From all that has been urged, I must infer and conclude, that the Protestants have no exclusive right laid down,—that they have no exclusive title to the constitution. Then comes the other question, what right have the Protestants to exclude the Catholics from the enjoyment of the constitution? The Catholics certainly cannot claim any positive and particular right,—they cannot claim this or that office,—but they can claim an equality of laws. If those laws are limited in their application to Catholics, they must be limited for definite reasons. It is the duty of the legislature to ascertain what those reasons are, and if they should appear to be vicious or arbitrary, the legislature is guilty of an act of injustice if it proceeds on them. Because, let us remember, that it is not parliament that gives capacity. It is the common law that gives capacity, and it is the province of parliament to limit that capacity, when it appears necessary to do so. That necessity can be founded only on a good reason. Now, I say that religion is not a good reason for limiting capacity. Religion is a moral right. As far as it is a sentiment of the mind,—as far as it is the feeling of the individual,—parliament cannot interfere with it. It is a human legislation, interfering between God and his creatures! Religion therefore has nothing to do with political right, although it may be connected with some considerations of a political nature. Religion may be so connected with other subjects as to afford some ground for exclusion from offices of state, as where it may be the means of filling those offices with persons in subjection to a foreign power. If we look to the Catholic religion as connected with the pope, it will at once be acknowledged that that connexion will not justify the obedience of a subject to the pope. The Veto therefore was devised to meet that evil; and there therefore the danger ceased. Again we proffer you domestic nomination; so that the argument founded on the necessity of checking foreign influence is put an end to. For if you have not that check now, it is your own fault. You will reject an ample security for your establishment in church and state, in order to continue the Protestant monopoly of civil privileges. The charge of moral atrocity in the Catholic religion has been completely met by the unanswered and unanswerable declaration of the Catholic prelates, which tells you that it is no part of the Catholic doctrine that the pope has temporal power in Great Britain,—that it is no part of the Catholic doctrine, that no faith ought to be kept with heretics,—that it is no part of the Catholic doctrine, that the pope can absolve subjects from their allegiance. Besides, there is another argument against it; which is founded on the divinity of the Christian religion. Monstrous crimes are incompatible with the Christian religion which the Catholics profess. The argument of moral atrocity makes not against the Catholic religion alone, but against Christianity in general. The reasoning goes to this,—that the Christian religion is an abomination, and that God has given up Europe to impiety. You must abandon either your argument, or your religion; or you must say that the Christian religion exists only in England, Scotland, Sweden, and part of the north of Ireland, viz. in the counties of Armagh, Down, and two or three others.

From this question of moral atrocity I shall proceed to the assertion, that the emancipation of the Catholics is incompatible with the safety of England. Can any thing be more absurd, than to suppose that a belief in transubstantiation must necessarily produce disaffection to the House of Brunswick! Then comes the influence of the pope on the loyalty of the Catholics. It is said, that the Catholics cannot be faithful subjects. The Irish parliament has declared, that the Irish Catholics are faithful subjects. In 1791, the Irish parliament stated, that it was necessary for the security of the country, to give the Catholics a share of political power; and accordingly that parliament gave the Catholics the privilege of holding landed property, and put arms into their hands. It is said that it is consistent with the principles of the constitution that the Catholics should hold civil and military offices. The Irish parliament has declared that the Irish Catholics shall hold them. I will read an extract from the act passed in 1791, in confirmation of my assertion. That act says "be it enacted that it shall and may be lawful for Papists or persons professing the Popish or Roman Catholic religion to hold, exercise, and enjoy all civil and military offices, or places of trust and profit under his majesty." The resolution passed in this House four years ago was in the same words. These are parliamentary acquittals of the Catholics. I say parliament acquitted the Catholics of disaffection when it gave them the right of holding landed property—it acquitted the Catholics of disaffection when it put arms into their hands—it acquitted the Catholics of disaffection when it imparted to them the elective franchise, and thus made them a part of the Commons of the United Empire. Now then, Sir, I wish to know how it is contrary to the principles of the constitution to admit persons of the Catholic persuasion to the enjoyment of civil or military offices? What becomes of those arguments which say that to suffer the Catholics to participate in political power is contrary to the fundamental principles of the constitution—that it is against the law, or the principles of the law? Let us consider the subject fairly, and we shall see with what remarkable inaccuracy the hon. gentlemen who oppose this motion have endeavoured to argue four millions of their fellow subjects into perpetual bondage. The letters of cardinal Litta and M. Quarantotti are decided parliamentary evidence of the allegiance of the Catholics. They both show that the allegiance of the Catholics is not against the feelings or wishes of the pope, but that, on the contrary, he encourages and commands it. What right then has parliament to disqualify the Catholics? I allow that parliament has the power of limiting the political capacity of the subject; but I say that parliament has not the right to do so without a powerful reason, and I maintain that the religion of the Catholics is not a proper reason for limiting their political capacity. Belief in the seven sacraments is no reason for political disqualification. Belief in transubstantiation is no reason for political disqualification. And therefore, Sir, I contend that the existing acts of disqualification are acts of power, are acts of injustice, are acts that ought to be repealed. Sir, how have the Catholics made use of the power which from time to time they have acquired? I will appeal to your generals and your admirals. I will not speak of this battle or of that battle—I will not particularize this victory, or that achievement —but I will ask how gentlemen can impeach the loyalty of the Catholics who have seen them shed their blood in defence of that which it is said they mean to undermine? An hon. gentleman opposite says that if there were any commotion in this country, the Catholics would follow their priests. What right have we to assert they would do so? What right have we to say that those who filled our fleets and armies when we were engaged in wars abroad, would act unworthily when confidence was placed in them at home?—What, if an individual has restored the order of jesuits? Would it not be hard to say "whereas the pope has renewed the society of jesuits, and has suffered the revival of the inquisition, therefore be it enacted that lord Fingal be attainted?" You would exclaim "No, this is a monstrous proposition, which we cannot listen to for a moment." And yet, if you listen to the opponents of the motion, you would attaint, not one man, but the whole Catholic population! you erect a human tribunal, and for the offence of an individual, you swell the character of your law into the omnipotence of the Deity, and utter a denunciation against a whole community. The history of Ireland, a century ago, has been appealed to as furnishing strong arguments in opposition to my motion. What is that history? Why, generally it is the tale of an unhappy province, ill-governed, and cruelly mismanaged? The historian is in the case of Ireland, generally speaking, peculiarly bad authority. He wrote to gratify power, and to gratify power he flattered it. His own private advantage absorbed all his thoughts, and his contemplation only dwelt on that which might be turned to his own account or that of his patrons. But if you wish to state the case of Ireland fairly, do not fly back to barbarous times and long exploded principles—state her conduct since she became a nation—take it for instance during the last forty years, do not go back to senseless acts, when the oppressions of England made Ireland retaliate—do not say on this spot such a crime was committed, here such a town was burnt, here so many Englishmen were murdered, here such a chieftain reared his despotic and merciless sway—but come closer to our own times, and say—here did Englishmen and Irishmen fight in one cause—here such a Catholic regiment gallantly maintained its ground, and nobly fought in defence of that constitution from the benefits of which its brethren are excluded—here it undauntedly stood the shock, and shared the dangers of that battle in the laurels of which it was not allowed to participate.—How great has been the self-devotion of the Irish Catholics to Great Britain through the whole of the arduous struggle in which you have been engaged! Repay then that people for the injury you have done them. Make your concord your force. Let them continue to fight your battles, but let them feel as they fight that they are as free as they are brave:

> " Without a sign his sword the brave man draws,
> " And asks no omen but his country's cause."

Gentlemen should be consistent. They affect to think it part of their religion to love their enemies; but they find it too bitter a task to love their friends. They are asked not to look upon their enemies as friends, but only not to look upon their friends as enemies. Again, and again I say—the principle of your law is bad. It attaints the child for the crime of the father, and makes discord and division the foundations of your policy. In vain will you ground your argument on the occurrences of the time when you oppressed Ireland and she retaliated. Rather take her character from the moment when you relaxed your impolitic code, and when in return loved you and identified herself with you.—When, for the act of a part you disqualify the whole, you are yourselves guilty of a crime; you are guilty of injustice; for what else is it to shut out so large a portion of your fellow-subjects from the benefits of the law? The constitution then will not support you in your denunciation, see whether religion—the Protestant religion—will afford a better reason for your proceeding. I have already said that nothing short of showing the Catholic religion to be an abomination will countenance what you do. If you can say the Catholic religion is an abomination, then you say the religion of a great portion of the civilized world is of that character. But this would be a direct attack on the Protestant church itself: for it would be a universal outrage towards the Christian religion generally, of which that church is a part. It is besides an outrage towards the Deity; for what less can it be called when man arrogates to himself the right of judgment in points of conscience, and, appropriating the Deity to his own exclusive use, transfers to himself the powers of omnipotence, and brings the godhead, to his own bosom—and all this for monopoly? This selfish passion springs not from religious feeling, but from a love of monopoly. It is of a gross and rank nature. It has no celestial attribute about it. O, no! " it smells of earth." It wants every thing that is true, generous, and noble. Some hon. gentlemen opposite speak of the constitution, the state, and religion, as opposed to the motion. They talk of the act of settlement, and of the dangers to be apprehended from concession. Let them state in what the dangers consist. Until they do so, their arguments are of no avail. Without the foundation of facts, they fall to prophesy consequences, for the purpose of perpetuating disqualifications on their fellow-subjects.—Sir, I know I have tired the House. I can easily imagine that were I in the place of some of the gentlemen present I should be quite as impatient as they are. But I am entitled to say that, not having trespassed on the House in an opening speech, I have some little claim on their indulgence in my reply.—Sir, I contend that the arguments against the Catholics are those, not of a statesman, but of a sectary, who, not content with his own intrinsic merit, would raise it by the depreciation of others. It was once admirably said by Mr. Fox that there was no mathematical demonstration, however clearly demonstrable, which would not be denied if any one had an interest in denying it. So it is in the arithmetical consideration of this question.—Can the admission to parliament of a few Catholic members endanger the constitution? The government of Ireland is in the hands of Protestants. The principal property of the country is with them. Is it likely that by the concession of the Catholic claims the possession of that property can be shaken? Suppose, however, that the Catholics were to get the whole of the landed property of Ireland into their own hands, and suppose—oh! improbable supposition!—that the whole of the 100 members returned by Ireland to the imperial parliament were to be Catholics, does it then follow, or is it likely that they could influence the general legislative bodies of this country? Can one hundred control five hundred? If they were to succeed in influencing the Commons House of Parliament, is it likely that they would have similar success in the House of Lords? And if they had, is it likely that they could depose the king? Yet all this the Catholics must do before they can overturn the constitution. And yet on the probability of their doing all this is this House called upon to disqualify four millions of people! Sir, the Catholic claims have now been agitating for nine and thirty years. They have gone through every kind of consideration; and their interest doubles at every discussion. In these discussions, no doubt individual irritation has occasionally appeared, and poison has occasionally been infused into the minds of a part of the Irish population. Is this state of things to be allowed to exist any longer? Are we to continue that sort of English connexion in Ireland which is called "a settlement;" and which must be defended by an army paid by the people over whom it is placed? Would you not rather wish that the English in Ireland, now a sept, should be incorporated with the nation? To our rulers I would say—"If you cannot accomplish this—if after having for so many years possession of the parliament, of the power of making laws, of the power of government, the Protestants in Ireland must still be a "settlement" and still be defended by a powerful army, what have you been about? Have you, during this lapse of time, been spinning round on your axis, and fancying that in your evolutions the people of Ireland followed in your train? Have you been merely giving the toast of the glorious and immortal memory and drinking success to his majesty's arms by sea and land? Is that what you propose to continue? Is that the return which you make for the dominion so long confided to you? Do you turn round upon us, and call for military establishments to enable you to prop up your system? Do not endeavour to delude us by your folly and absurdity. Do not lead us to identify the constitution of England with your political malversation. Do not say, after your long possession and many opportunities that you cannot appease trouble, and discontents; and when you have taken away liberties and privileges ineffectually, do not adopt disqualification as an appeaser. Do not imagine that you are obeying the laws of man, or the sacred laws of God, which you admire so much when they command you to love your enemies, but which you neglect by not loving your friends." The Protestants have taken the lands of the Catholics,—they would therefore take their liberties. The Protestants have taken the tithes of the Catholics, they would therefore take their privileges. This is a system which cannot last. Depend upon it that it cannot. If you exclude the people from connexion with their own state, they will in the natural course of things attach themselves elsewhere. The Catholics will fly to the church of Rome to renew their ancient relations; that is, they will draw more closely the very connexion respecting which you are so much alarmed. The Catholic body has now no communication with the state. It does not ramify into the state. One part of the Irish population is morbid and excluded, another is unnaturally vivacious: this is a bad state of physics. Let a new order of things mark the times in which we live; and let an immediate and an effectual termination be put to any clandestine intercourse between the Catholics and the see of Rome. Incorporate the Catholic church with the state. Pay that church, and thus give the state an influence among the clergy. Do not seek for temporary popularity; or dream that any measure must at once be attended with beneficial results. Act wisely, liberally, and rationally, and the means which you adopted must ultimately be crowned with complete success. On some sides a popular clamour may be raised; but no clamour can long continue which is directed against the privileges of the people, and the true interests of the state. When I see Britain, grown up into a mighty empire, when I behold her at the head of the nations of the earth, when I contemplate her power and majesty; I own that I am deeply astonished to find her descending from her elevation to mix in the disputes of schoolmen and the wrangling of theologians, who, while they seek for their own purposes to torture their countrymen, endanger the security of their common country.

The question being loudly called for, the House divided:

For the motion	221
Against it	245
Majority	24

List of the Majority and Minority.

Majority

Abdy, sir W.
Addington, rt. hon. H.
Alexander, J.
Allan, Alexander
Allan, George
Apsley, lord
Archdall, M.
Arkwright, R.
Ashurst, W. H.
Astell, Wm.
Atkins, J.
Bankes, Geo.

Barclay, C.
Barne, M.
Barry, J. M.
Bastard, John
Bastard, E. P.
Beach, M. H.
Bathurst, rt. hon. B.
Bentinck, lord F.
Beresford, lord G.
Beresford, sir J.
Bernard, lord
Blackburne, J. J.
Bloomfield, sir B.
Bolland, John
Boswell, A.
Boughey, sir J. F.
Bradshaw, R. H.
Bridport, lord
Brogden, James
Brydges, sir S. E.
Buller, James
Buller, sir E.
Burrell, sir C.
Burrell, Walter
Butterworth, Jos.
Benson, R.
Calley, Thos.
Calvert, John
Campbell, Alex.
Cartwright, W. R.
Casbard, R. M.
Chetwode, sir J.
Chichester, A.
Chute, W.
Clements, H. J.
Clerk, sir G.
Clinton, sir W.
Clive, visc.
Clive, H.
Clive, W.
Collett, E. J.
Collins, H. P.
Cooper, E. S.
Corry, T. C.
Cotter, J. L.
Cranborne, visc.
Crickett, R. A.
Curtis, sir W.
Curzon, hon. R.
Cust, hon. W.
Dashwood, G.
Davenport, Davies
Davis, R. H.
Dawson, G. R.
Denys, sir G. W.
Disbrowe, E.
Dowdeswell, J. E.
Deerhurst, visc.
Dalrymple, ad.
Drake, T.
Drake, W. T.
Drummond, G. H.
Duckworth, sir J.
Dugdale, Dugdale
Duncombe, C.
Edmonstone, sir C.
Egerton, W.
Elliot, hon. W.
Ellison, R.
Estcourt, T. G.
Farquhar, J.
Fitzharris, lord
Fane, J.
Fane, Thos.
Fellowes, W. H.
Fetherstone, sir T.
Finch, hon. E.
Foley, hon. A.
Folkes, sir M. B.
Forester, C. W.
Foster, J. L.
Frank, Frank
Fynes, H.
Gell, P.
Gilbert, D. G.
Gipps, G.
Golding, E.
Gooch, T. S.
Goulburn, H.
Grant, C.
Grant, F. W.
Grant, A. C.
Greville, sir C.
Hall, B.
Harvey, Charles
Heathcote, T. F.
Henniker, lord
Hill, rt. hon. sir G.
Holdsworth, A. H.
Holford, G. P.
Holmes, W.
Honyman, R. B. J.
Hope, sir G.
Houblon, J. A.
Hume, sir A.
Jackson, sir J.
Jenkinson, hon. C.
Jervoise, J. P.
Innes, Hugh
Jocelyn, visc.
Irving, J.
Keck, G. A. L.
Kerrison, sir E.
Kirkwall, visc.
Knatchbull, sir E.
Knox, Thos.
Lacon, E. K.
Lascelles, visc.
Lefevre, C. S.
Leigh, C.
Leigh, J. H.
Leigh, sir R. H.
Leigh, Thos.
Lemon, sir Wm.
Leslie, C. P.
Lockhart, J. Ingram
Loftus, General
Long, rt. hon. C.
Longfield, M.
Lowndes, Wm.
Lowther, lord
Lowther, hon. J.
Lowther, J. junr.
Lowther, hon. H. C.
Lowther, James
Lushington, S. R.
Luttrell, H. F.
Luttrell, J. F.
Lyster, R.
Lygon, hon. col.
M'Naghten, E. A.
Magennis, R.
Maitland, E. F.
Manners, lord C.
Manners, lord R.
Manners, gen.
Mellish, W.
Michel, gen.
Mills, Charles
Milne, P.
Mitford, W.
Moore, lord H.
Moorsom, adm.
Morgan, sir C.
Morgan, C.
Neville, R.
Newman, R. W.
Nicholl, sir J.
Noel, sir G.
Northey, Wm.
O'Neil, hon. J.
Osborne, J.
Paget, hon. B.
Pakenham, sir H.
Pechell, sir T.
Pennant, G. H. D.
Perring, sir J.
Pitt, J.
Pitt, W. M.
Pole, sir C.
Porter, G.
Powell, W. E.
Price, R.
Richardson, W.
Robinson, gen.
Rochfort, G.
Round, J.
Ryder, right hon. R.
St. Paul, sir H.
St. Paul, col.
Scott, rt. hon. sir W.
Shaw, sir J.
Shelley, sir J.
Shelley, sir T.
Shiffner, G.
Smith, ald. C.
Smith, T. A.
Smith, S.
Sneyd, Nat.
Somerset, lord E.
Somerset, lord G.
Staniforth, J.
Stewart, sir J.
Stirling, sir W.
Strahan, A.
Strutt, J. H.
Sturt, H.
Sullivan, rt. hon. J.
Sumner, G. H.
Suttie, sir Jas.
Sutton, rt. hon. C. M.
Swann, H.
Taylor, J.
Taylor, Watson
Thynne, lord J.
Tomline, W. E.
Townshend, hon. H.
Tremayne, J. H.
Ure, M.
Valletort, vis.
Vansittart, rt. hon. N.
Vaughan, sir R. W.
Vereker, right hon. C.
Vyse, R. W. H.
Wallace, rt. hon. T.
Walpole, lord
Webber, D. W.
Webster, sir G.
Wellesley, W. L.
Wetherell, C.
White, M.
Wigram, R.
Wilbraham, E. B.
Williams, R.
Willoughby, H.
Wilson, C. E.
Wood, T.
Worcester, marquis
Wright, J. A.
Wyatt, C.
Yarmouth, earl of
Yorke, sir Jos.

TELLERS.

Bankes, H.
Peel, right hon. R.

PAIRED OFF.

Rose, rt. hon. G.
Gascoyne, gen. I.
Seymour, lord Robert
Brodrick, hon. W.
Gunning, sir George
Blackburne, John
Foulkes, Evan
Simeon, sir John
Ward, Robert
Farmer, Samuel
Singleton, Mark
Egerton, sir J.
Graham, sir J.
Davis, Hart
Bruen, H.

Minority.

Abercrombie, hon. J.
Acland, sir Thos.
Althorp, viscount
Arbuthnot, rt. hon. C.
Atherley, Arthur
Abercromby, hon. A.
Bentinck, lord W.
Babington, Thos.
Bagwell, right hon. W.
Baillie, J. E.
Barnard, visc.
Barnett, James

Bective, lord
Bennet, hon. H. G.
Bernard, Thos.
Binning, viscount
Birch, Jos.
Blake, V.
Blair, H.
Bourne, S.
Brand, hon. T.
Brooke, C.
Brougham, Henry
Burrows, sir Wm.
Browne, A.
Browne, D.
Browne, right hon. T.
Burdett, Sir F.
Butler, hon. J.
Butler, hon. C.
Byng, George
Calcraft, John
Calvert, Charles
Campbell, lord T.
Campbell, hon. J.
Canning, rt. hon. G.
Carew, R. T.
Caulfield, hon. H.
Carter, John
Castlereagh, visc.
Cavendish, lord G.
Cavendish, hon. H.
Cavendish, hon. C.
Cocks, hon. J. S.
Cocks, J.
Colthurst, sir N.
Courtenay, Wm.
Courtenay, T. P.
Croker, J. W.
Crosby, J.
Chichester, A.
Daly, J.
Deroos, hon. H.
Doveton, G.
Douglas, hon. F. S.
Douglas, W. K.
Duffering, visc.
Duncannon, visc.
Dundas, hon. L.
Dundas, Charles
Ebrington, visc.
Elliot, right hon. W.
Ellison, Cuthbert
Evelyn, Lynden
Fazakerly, H.
Fellowes, hon. N.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzgerald, rt. hon. M.
Fitzgerald, rt. hon. V.
Fitzgerald, A. G.
Finlay, Kirkman
Flood, sir F.
Forbes, visc.
Foster, F. T. H.
Fremantle, Wm.
French, A.
Folkestone, visc.
Glerawley, lord
Gaskell, Benj.
Gordon, Robt.
Grant, C. jun.
Grant, J. P.
Grant, G. M.
Gurney, Hudson
Grattan, right hon. H.
Grenfell, Pascoe
Guise, sir Wm.
Hamilton, lord A.
Hamilton, Hans.
Hanbury, Wm.
Hammersley, H.
Hill, lord A.
Heron, sir R.
Hippisley, sir J. C.
Hornby, E.
Horne, W.
Howard, hon. W.
Howard, hon. F. G.
Hughes, W. L.
Hulse, sir C.
Hurst, Robt.
Jones, John
Joliffe, J. H.
Kensington, lord
Lamb, hon. W.
Lambton, J. C.
Latouche, Robt.
Latouche, R. jun.
Law, hon. E.
Leader, Wm.
Lewis, T. F.
Littleton, Ed.
Lloyd, J. M.
Lloyd, H.
Lubbock, sir J.
Lyttelton, hon. W. H.
Mordaunt, sir C.
Macdonald, R.
Macdonald, Jas.
Mackintosh, sir J.
Madocks, Wm. A.
Mahon, hon. G.
Maitland, hon. A.
Markham, adm.
Marryatt, Jos.
Martin, Henry
Martin, John
Mathews, hon. gen.
Meyler, R.
Milton, visc.
Monck, sir C.
Moore, Peter
Morland, S. B.
Moseley, sir O.
Molyneux, H. H.
Money, W. T.
Morritt, J. S.
Manning, W.
Neville, hon. R.
Newport, sir John
North, D.
Nugent, Lord
Needham, gen.
O'Brien, sir E.
Odell, Wm.
Ogle, H. M.
Onslow, hon. T. C.
Ord, Wm.
Osborne, lord F.
Ossulston, lord
Palmerston, visc.
Paget, sir E.
Palmer, C.
Pierse, Henry
Pelham, hon. C. A.
Phillimore, D.
Philips, George
Phipps, hon. gen.
Piggott, sir A.
Pole, rt. hon. W. W.
Ponsonby, rt. hon. G.
Ponsonby, hon. F. C.
Plunkett, rt. hon. W.
Power, Richard
Powlett, hon. W.
Pringle, sir W.
Prittie, hon. F. A.
Proby, hon. capt.
Pym, F.
Pocock, George
Quin, hon. W.
Ramsbottom, John
Ramsden, J. C.
Rancliffe, lord
Rashleigh, Wm.
Ridley, sir M. W.
Riddell, sir J. B.
Robinson, rt. hon. F.
Robinson, G. A.
Romilly, sir S.
Rowley, sir Wm.
Russell, lord Wm.
Russell, lord G. W.
Russell, R. G.
Scudamore, R.
Sebright, sir J. S.
Sefton, earl of
Sharp, Richard
Shaw, Benj.
Shaw, Robt.
Sheldon, R.
Smith, G.
Smith, John
Smith, Robt.
Smyth, J. H.
Somerville, sir M.
Spiers, Arch.
Stanley, lord
Stewart, hon. J.
Spencer, lord R.
Talbot, R. W.
Tavistock, Marquis
Taylor, C. W.
Taylor, M. A.
Thornton, gen. W.
Thornton, Saml.
Tierney, rt. hon. G.
Waldegrave, hon. W.
Walpole, hon. G.
Ward, hon. J. W.
Warre, J. A.
Wharton, John
Wilberforce, Wm.
Wilkins, Walter
Wood, Thos.
Wortley, J. Stuart
Wrottesley, hon.
Wynn, sir W. W.
Wynn, C. W. W.

TELLERS.

Parnell, sir H.
Smith, Wm.

PAIRED OFF.

Curwen, J. C.
Grenville, rt. hon.
Morpeth, visc.
Barham, J. F.
Western, C. C.
Huskisson, rt. hon. W.
Langton, W. Gore
Hobhouse, sir Benj.
Forbes, C.
Howorth, Humphrey
Williams, Owen
Fitzroy, lord J.
Calvert, Nicholson
Desart, earl of
Daly, right hon. D. B.

HOUSE OF LORDS.

Monday, May 12.

ROMAN CATHOLIC PETITIONS.] The Earl of Donoughmore moved, that the House be summoned for Friday, for the discussion of the Catholic question. Ordered.—Earl *Fitzwilliam* presented a petition from certain Catholics of the county of Warwick, and against the measure of the Veto. After the petition had been read, his lordship said, that though it was numerously signed, yet he had authority to state that many most respectable Catholics of the same counties did not concur in the propriety of thus petitioning the legislature.

Lord *Kenyon* observed, that it appeared there was a considerable difference of opinion among the Catholics themselves, and it might be material to have this petition printed; and he moved that it be printed, together with the signatures.

Earl *Grey* said, if he rightly understood the petition, it was to this effect—that the petitioners had heard that it was in the contemplation of the legislature to adopt the regulation called the Veto, with reference to the Catholics, of which regulation the petitioners highly disapproved.—Whence the petitioners received that information he did not know. There was no reason to believe that a bill of that kind was to come from the other House; and, as far as he knew, no such thing was in the contemplation of his noble friend who was to move the discussion of the Catholic claims on Friday. It had been observed, that there appeared to be a difference among the Catholics themselves, because some of them had come forward with this petition against the regulation of the Veto. His noble friend stated that he had received assurances from many most respectable Catholics of these two counties, that they did not concur in that petition. He was glad to hear it; and as he had for several sessions presented petitions from the general body of the Catholics, he might be permitted to say that they had always studiously refrained from dictating to or making conditions with the legislature, and had left the whole matter to the wisdom and discretion of parliament. That was the mode which he approved, and indeed the only mode in which it was proper for the petitioners to come forward; for, whatever might be his own opinion as to the Veto—his opinion having been once favourable to it, though that opinion was now entirely changed—yet the whole question ought to be left open to the House, and to the legislature. When, however, the noble lord talked of a difference of opinion among the Catholics, though they might differ in their notions as to the mode in which the measure ought to be framed, it did not therefore follow, that they were not prepared to yield a due obedience to such regulations as the legislature might think fit to enact. The legislature had certainly to consider for itself what regulations would be most beneficial to the country; and when parliament should have decided, he trusted there could be no doubt as to the obedience of the Catholics.

The *Lord Chancellor* said, there was no instance upon the Journals, of the House having ordered a petition presented to that House to be printed; and the printing of a petition would be the commencement of an entirely new practice. The House would, therefore, probably think it right to pause before it adopted that course. The petition would be laid on the table, and such noble lords as wished to examine it, would have abundant opportunity for that purpose. He agreed, that petitioners were not to prescribe to the legislature what measures or regulation to adopt; but the legislature ought to judge for itself, and adopt such measures as it might in its own discretion deem best calculated to promote the interests and happiness of the community; and when they came to the discussion of the Catholic claims, their lordships would, he trusted, bear in mind, that it was a question of the highest importance, and one which went to the very vitals of the constitution of this Protestant country.

The Earl of *Donoughmore* said, he certainly had no intention of proposing to their lordships the adoption of the regulation of the Veto. He agreed that petitioners ought not to make conditions with the legislature, and the Catholics had not attempted to make such conditions, but had temperately, though firmly, stated their claims to be admitted to the rights and privileges of the constitution. Far from making conditions, their aim had been to offer conciliation. They had offered a substitute for the Veto; and one which they conceived well calculated to remove the apprehensions of the greatest alarmists on the subject of foreign influence. He should not have said any thing on the question at present, had it not been for the alarm bell which had been rung by the learned lord on the woolsack, with reference to the safety of the Protestant establishments. He was sorry that so high an authority as the learned lord should, in so early a stage of the proceeding, have endeavoured to create a prejudice against the claims of the Catholics, and put an extinguisher on their hopes.

Lord *Kenyon* had not said that there was any difference among the Catholics as to the point of obedience; but as there was some difference of opinion among them as to the regulations which ought to be adopted, he had thought it of some consequence to have this petition with the signatures printed. As he understood, however, that it was irregular to print a petition, he would withdraw his motion.

Lord *Holland* said, that as to the irregularity of printing a petition, he had some doubt, though he admitted that was the usual practice of the House; but, to select for printing this petition, signed by some individual Catholics, in opposition to the mode of proceeding adopted by the great body of the Catholics, he thought invidious, as it appeared like an attempt to get the question argued and decided on *ex-parte* evidence. He agreed, that it was fair to consider what was most likely to conciliate the Catholics, as part of the ground on which the question rested, but he could not help remarking, that a statement by the petitioners of what their wishes were, was not a refusal to obey whatever the legislature might think proper to enact. He wondered at the warmth of the learned lord on the woolsack, who, in a loud and thundering tone, which there was nothing in the present discussion to call forth, had declared that the question went to the very vitals of the constitution. As there was nothing to provoke this warmth at present, and as the learned lord was not in the habit of being out of humour, he was led to conclude that the learned lord had been roused into this extraordinary heat by that state of constant warfare and contention in which he must be engaged with such of his colleagues in office as approved of this measure, which went to the very vitals of the constitution. The learned lord, then, sat in council, and continued in office, with those who, according to his ideas, were favourably disposed towards measures which would subvert the constitution from its foundation; but he trusted that their zeal for their side of the question had been also roused by their warfare and contention with the learned lord, and that the Catholics would have the advantage of that zeal when the question came to be discussed.

The petition was laid on the table.

LORD SIDMOUTH'S CIRCULAR LETTER.]—The order of the day having been read,

Earl *Grey* rose and spoke in substance as follows:*—

My Lords; I have felt considerable hesitation and reluctance in bringing forward for discussion the question on which your lordships have been summoned to attend this night; not because it is not of great importance, or that it does not claim from your lordships the most serious attention, but because it is in my hands, exposed to difficulties, which I feel myself ill qualified to encounter.

It is, in the first place, *a legal question*, to which I, unlearned as I am, can little hope to do justice, considering the legal ability and experience, which, I have too much reason to fear, will be arrayed against me. It is, in the second place, *a constitutional question;* and though, in this view, it is of the utmost importance to the freedom of the press, and the liberty of the people, I have had but too many proofs, that this character alone is sufficient to deprive it of all interest, if not to expose it, when brought forward by me, to the suspicion and disfavour of those, to whom my arguments must this night be addressed. In this respect, as it appears to me, a lamentable change has taken place in the feelings of this and the other House of Parliament. Our affections are now all on the side of prerogative; our fears, of popular rights and privileges. It is no longer the encroachments of power of which we are jealous, but of the too great extension of freedom. Every symptom of popular uneasiness, every ill-regulated effort of that spirit, without which liberty cannot exist, but which, whilst it exists, will break out into occasional excesses, affords a pretence, which we seem emulous to seize, for imposing on it new restraints; whilst all the increased advantages of the Crown, in the extension of our military establishments, in the augmentation of our revenue, and in the patronage and influence annexed to its collection, seem to pass unnoticed, in our anxiety to support and strengthen the executive government, whenever called upon to do so, by new and extraordinary powers. Feeling the effects of this change, it is for this, amongst other reasons, that I have resolved, upon this occasion, not to offer to the House any distinct proposition with respect to the important matter which, I am about to bring under your consideration; fearing, that, if I were to do so, I should only give occasion for an adverse decision, and thereby injure those interests, which I am anxious to uphold and to protect.

---

* From the original edition printed for Ridgways, with the following ADVERTISEMENT:—

"The following Speech is given, as accurately as was possible, from memory, with the assistance of the printed accounts of the debate in the newspapers. The line of argument has been scrupulously adhered to, though capable of many improvements and additions, had they been thought consistent with the general fidelity of the report. This, it is hoped, will not appear to have been materially departed from by introducing, towards the conclusion of the Speech, for the sake of convenience, two or three passages from the reply."

I shall therefore, this night, content myself with moving for the Case laid before the Law Officers of the Crown by the secretary of state, upon which their opinion has been given, as to the powers of justices of the peace to hold to bail, or commit to prison for want of bail, any persons accused of publishing blasphemous and seditious libels. We shall, by this course, have the advantage of not coming to a premature decision on a subject of such vital importance; and an opportunity will be afforded of examining it carefully in all its bearings. I cannot conceive what reasonable objection can be urged against producing the information which I require. It is of the greatest consequence that we should be possessed of it, to see on what precise grounds the opinion was given; whether it was applicable to the case; and whether the purpose of the noble secretary of state was fairly brought under the consideration of the law officers of the Crown. My motion, then, will be simply for the production of the case: but I shall take the opportunity, which this motion affords me, of supporting it by such general observations on the whole subject, as, I trust, will prove to your lordships how deserving it is of your most serious attention.*

The Circular Letter of the noble secretary of state, addressed to the lord lieutenants of counties in England and Wales (whether properly addressed to the lords lieutenants of counties, where the object was to communicate with the magistrates, I will not now inquire), is before the House. The letter states, that the dangerous and extensive circulation of blasphemous and seditious libels had induced the secretary of state to consult the law officers of the Crown, as to the power of bringing before a justice of the peace, and compelling to answer for his conduct, any person found selling, or *in any way* publishing such pamphlets and writings: that the law officers had answered, that a justice of peace might issue his warrant to apprehend a person charged upon oath with the publication of such libels, and compel him to give bail; and the lord lieutenant is then desired to make known to the chairman at the next quarter sessions the substance of this communication, "in order that he may recommend it to the magistrates to act upon it in all cases, where any person shall be found offending against the law in the manner above-mentioned."

The character, then, of this extraordinary letter—for extraordinary I must call it, as there is no precedent, that I have ever heard of, for such a proceeding—is this; that, having consulted the law officers of the Crown, the secretary of state has, upon the ground of their opinion, taken upon him to instruct the magistrates in their judicial duty. The dangerous consequences of such a precedent I shall hereafter endeavour to point out. The Letter states, that the Opinion related to blasphemous and seditious libels. In the opinion I do not find the word blasphe-

---

* The following is a copy of the Circular Letter, and also of the Opinion of the Law Officers of the Crown thereupon.

Copy of Circular Letter from lord viscount Sidmouth, to his majesty's lieutenants of counties in England and Wales.

Whitehall, 27*th March* 1817.

My Lord,—As it is of the greatest importance to prevent, as far as possible, the circulation of blasphemous and seditious pamphlets and writings, of which for a considerable time past great numbers have been sold and distributed throughout the country; I have thought it my duty to consult the law servants of the Crown, whether an individual found selling, or in any way publishing such pamphlets or writings, might be brought immediately before a justice of the peace, under a warrant issued for the purpose, to answer for his conduct.

The law officers having accordingly taken this matter into their consideration, have notified to me their opinion, that a justice of the peace may issue a warrant to apprehend a person, charged before him upon oath with the publication of libels of the nature in question, and compel him to give bail to answer the charge.

Under these circumstances, I beg leave to call your lordship's attention very particularly to this subject; and I have to mous, but I admit, nay I shall have to contend, that not only blasphemous, but all other libels, of every description, must, if the opinion be correct in principle, necessarily come under it. The letter refers only to the powers of Justices of the Peace. The opinion relates also to the powers of the judges and of the secretary of state; and it is of great importance to have the case produced, in order to see whether the noble secretary of state had intended to instruct, not only justices of the peace, but also the judges in Westminster-hall, in their judicial duties.

The Opinion first affirms generally the power of the secretary of state, of the judges, and of justices of peace, to apprehend persons charged with publishing a libel. It then states separately, with respect to each, the grounds on which the existence of such a power is asserted. As to the power of the secretary of state to apprehend in cases of treasonable and seditious libel, I must admit it now to have acquired the force of law. Whether it was or was not originally an usurpation, it is unnecessary now to inquire. It has been sanctioned by the decisions of the Courts, and therefore I feel it can no longer be disputed. The opinion next states, that it appears that judges have such a power, *at all events* under the 48th of the king, cap. 58. Now, with all due deference to these learned persons, I must say, that this part of the opinion seems to me to have been somewhat inaccurately and

---

request, that if your lordship should not propose to attend in person at the next general quarter sessions of the peace, to be holden in and for the county under your lordship's charge, you would make known to the chairman of such sessions the substance of this communication, in order that he may recommend to the several magistrates to act thereupon, in all cases where any person shall be found offending against the law in the manner above-mentioned.

I beg leave to add, that persons vending pamphlets or other publications, in the manner alluded to, should be considered as coming under the provisions of the Hawkers and Pedlars Act, and be dealt with accordingly, unless they show that they are furnished with a licence as required by the said act.—I have the honour to be, &c. SIDMOUTH.

OPINION of the Law Officers of the Crown; referred to in the said Circular Letter.

We are of opinion, that a warrant may be issued to apprehend a party charged on oath for publishing a libel, either by the secretary of state, a judge, or a justice of the peace.

With respect to the secretary of state, in the case of Entick *v.* Carrington, as reported by Mr. Hargrave, though the court were of opinion the warrants, which were then the subject of discussion, were illegal, yet lord Camden declared, and in which he stated the other judges agreed with him, that they were bound to adhere to the determination of the Queen *v.* Derby, and the King *v.* Earbury; in both of which cases it had been holden, that it was competent to the secretary of state to issue a warrant for the apprehension of a person charged with a scandalous and seditious libel; and that they, the judges, had no right to overturn those decisions.

With respect to the power of a judge to issue such warrant, it appears to us that at all events, under the statute of the 48 Geo. 3d, ch. 58, a judge has such power, upon an affidavit being made in pursuance of that act; a judge would probably expect that it should appear to be the intention of the attorney-general to file an information against the person charged.

With respect to a justice of the peace, the decision of the Court of Common Pleas, in the case of Mr. Wilkes's libel, only amounts to this—that libel is not such an actual breach of the peace, as to deprive a member of parliament of his privilege of parliament; or to warrant the demanding sureties of the peace from the defendant; but there is no decision or opinion that a justice of the peace might not apprehend any person not so privileged, and demand bail to be given to answer the charge. It has certainly been the opinion of one of our most learned predecessors, that such warrants may be issued and acted upon by justices of the peace, as appears by the cases of Thomas Spence and Alexander Hogg, in the year 1801. We agree in that opinion, and therefore think that a justice of the peace may issue a warrant to apprehend a person, charged by information on oath, with the publication of a scandalous and seditious libel, and to compel him to give bail to answer such charge.

Lincoln's-Inn, W. GARROW.
24th February, 1817. S. SHEPHERD.

carelessly expressed. The act of the 48th of the king gives no such power to the judges generally, but only to the judges of the Court of King's-bench; and in this construction I am fortified by a late proceeding at the Old Bailey before two judges, not judges of the Court of King's-bench, who evidently doubted, at the least, their powers in this respect; though in that case the information was soon after filed, and the question was not farther agitated. The act, then, does not apply to the judges generally, but only to those of the Court of King's-bench, and the words of the opinion, "It appears to us, that, *at all events* under the statute 48 Geo. 3d, cap. 58, a judge has such power," imply a strong doubt whether a judge had any such power before that statute. These learned persons then go on to state, that a judge "would probably expect, that it should appear that the attorney-general intended to file an information against the person charged." They seem to have conceived, that a person so charged might, under the act of the 48th of the king, be committed before information filed. I doubt whether that be the true construction. I was not in the House when the bill was in its progress; but I understood, from those who were present, that the interpretation given to it, in the discussion, was, that it was only intended to confer the power of committing, after an information had been actually filed. These learned persons appear to think differently; but they say, that a judge would require some evidence of the intention of the attorney-general to file an information against the person charged. I do not very clearly see what evidence the judge could have of such intention. Is the attorney-general himself to prove, by his oath or affidavit, that such was his intention; or is some one else to give evidence of an intention, which could be certainly known only to the person who entertained it? This appears to show, that the learned persons, who have given this opinion, have not rightly construed the act, and that the opinion is, in this respect also, erroneous.

But leaving these minor points, which hardly deserved so much notice, I now come to the principal question, in which every subject of these kingdoms is indeed most deeply interested—the question, whether any justice of the peace may be called upon, by any common informer, to decide at once what is or is not a libel (one of the most difficult questions, in many instances, that can possibly come under consideration): and, upon his sole judgment and authority, commit or hold to bail the person accused. The opinion states, that the decision of the Court of Common Pleas, in Wilkes's case, only amounted to this—that libel is not such an actual breach of the peace as to deprive a member of parliament of the privilege of parliament: and then these learned persons proceed, on the authority of two modern instances, to say, that all justices of peace have the power of issuing warrants to apprehend persons charged by information on oath with publishing scandalous and seditious libels, and to compel them to give bail to answer such a charge. In the first paragraph of the opinion, this power is not confined to blasphemous and seditious libels, but extends to all libels generally: and this undoubtedly is correct; for if magistrates possess this power with respect to one description of libel, they must have it over all, whether public or private, malicious or treasonable; and not only over all cases of libel whatsoever, but over every species of minor offence, which comes within their jurisdiction at the sessions. I now state this generally, as a consequence which, I shall hereafter have to argue, must follow of necessity from the opinion of the attorney and soliciter-general. I can, my lords, conceive nothing more dangerous than the assumption of such an authority: nothing more contrary to the whole spirit of our laws and constitution.

In examining this question, where are we to look for the proof, that such a power is or ever has been possessed by justices of the peace? The proof must be found either in the common law, in some express statute, in decisions of the judges, in the writings of lawyers, or in ancient practice. In one or in all of these authorities the proof of this power, said to be possessed by the magistrates, must, if it do exist, be found; and, if it is not to be found in any of these, it will not be denied to me, that it cannot be the law of the land.

In considering this subject, I shall have to trespass for some time on the patience of your lordships, in order to state what has been the result of my inquiries, in the course of which I have been able to find no foundation for the opinion in question. In the common law I have not discovered any thing that tended to support it. There is no statute which sanctions it; for, if any such statute had existed, the law officers of the Crown would doubtless have referred to that statute in support of their opinion. In looking into the most approved writers on the law, as well as the opinions delivered on particular occasions by judges, I have met with nothing to warrant the conclusion, that the power now attributed to justices of peace is legal. Whether considered separately or collectively, I have no difficulty in declaring, that all the great authorities will be found to preponderate against the existence of such a power.

But before I proceed to examine these authorities, I should wish to draw your lordships attention to the commission of the justices. That commission, which was settled by the judges in the reign of queen Elizabeth, consists, as your lordships well know, of two clauses: the first gives them the power "to keep and cause to be kept all statutes and ordinances for the good of the peace, &c.: to chastise and punish all persons that offend against the form of these ordinances and statutes; and to cause to come before them, or any of them, all those who have used threats, &c., to find sufficient security for the peace or their good behaviour; and, if they shall refuse such security, them in the king's prisons to cause to be safely kept." This first clause then describes the power of the justices out of sessions, as conservators of the peace.—

The second clause relates exclusively to the jurisdiction of the justices at the sessions of the peace. "We have also assigned you, and every two or more of you, to inquire the truth more fully, by the oath of good and lawful men, of all manner of felonies, poisonings, enchantments, sorceries, arts magic, trespasses, forestallings, regratings, ingrossings, and extortions whatsoever; and of all and singular other crimes and offences, of which the justices of our peace may or ought lawfully to inquire—to inspect all indictments, &c.—and to make and continue processes thereupon, and to hear and determine all and singular the felonies, trespasses, &c., according to the laws and statutes of England." This second clause it is material to keep in our view, as it is on the jurisdiction which it gives, that this power, as necessarily consequent upon that jurisdiction, must be maintained. It relates, as I have already stated, solely to the duties of magistrates in sessions.

It is clear, then, that the first clause, which confers the power of arrest and commitment only in cases of actual breach of the peace, does not give it in cases of libel, or of any inferior offence. It is equally clear, that no such previous authority to compel an appearance at the sessions is conferred by the second clause, which relates exclusively to the jurisdiction of the justices there, which it requires the presence of two or more justices to exercise. It is not to be found, then, in the letter of the commission. Does it come within its equity, by fair and necessary construction? This is the question which your lordships have to examine; and in this examination the first step is to consult the great authorities of the law, who have treated of this subject, and who, if such a power legally exists, could not have failed to notice it in such clear and distinct terms, as would leave it subject to no dispute or doubt.

Lord Coke, so far from acknowledging the existence of such a power, denies the right of a magistrate to commit, even in cases of felony and treason, before indictment; a power which he held to be contrary to Magna Charta. His words are as follow:—"But for the justices of the peace to make warrant upon surmises, for breaking the houses of any subjects, to search for felons or stolen goods, is against Magna Charta: 'Nec super cum ibimus 'nec super cum mittemus nisi per legale 'judicium parium suorum, vel per legem 'terræ;' and against the statute of the 42d Edward 3d, &c; and we hold the resolution of the court, viz, of Brudenell, Pollard, Broke, and Fitzherbert, in 14th Henry 8th, to be law, that a justice of peace could not make a warrant to take a man for felony, unless he be indicted thereof, and that must be done in open session of the peace." 4th Inst., 177, 8.

If, then, such a person as lord Coke denied the existence of this authority, even in cases where the peace and good order of the country were involved, how can it be supposed, that the ancient law of the country authorized magistrates to hold to bail for lesser offences? I admit, that, under the general word 'trespass,' as it has been interpreted, libel, with other offences of a similar description, as tending to a breach of the peace, is cognizable by justices of the peace at their sessions; but still, the utmost latitude of construction gives this authority to magistrates only in their sessions; and before your lordships can decide in favour of the opinion of the law officers of the Crown, you will require clear proof, that libel, by becoming an offence cognizable in sessions, is also subject to the power of a single magistrate out of sessions.

The next opinion I shall notice is that of Mr. Sergeant Hawkins. That learned author has stated, * that "any justice of the peace may commit in cases of treason, felony, or premunire, or any other offence against the peace. Also wherever a statute gives to any one justice a jurisdiction over any offence, or a power to require a person to do a certain thing ordained by such a statute, it impliedly gives a power to every such justice to make out a warrant to bring before him any person accused of such offence, or compellable to do the thing ordained by such statute." He proceeds to state, that, "anciently, no one justice ever could make out a warrant for an offence cognizable by a sessions of two or more justices. Constant and universal practice appears to have altered the law in this particular; the practice of justices is now also become law, in granting a warrant for the apprehension of any person, upon strong grounds of suspicion, for a felony, or other misdemeanor, before indictment found. Yet as justices of the peace claim this power rather by connivance than any express warrant of law, and since the undue execution of it may prove highly prejudicial to the reputation as well as the liberty of the party, a justice of peace cannot well be too tender in his proceedings of this kind," &c.

The opinion, then, of Mr. Sergeant Hawkins, your lordships will observe, is of this character: it is clear as to the power of justices to apprehend and commit for "treason, felony, or premunire, or any other offence against the peace:" it is also clear as to the power of a single justice with respect to offences, over which a jurisdiction is given him by statute. But is there any thing to sanction the possession of such a power as to other offences? If this should be inferred from the words subsequently quoted, that one justice might make out a warrant for offences cognizable by a sessions of two or more justices, or for apprehending any person "for a felony or other misdemeanor," I must contend, that these words cannot fairly bear such an interpretation. That they must, in the first place, be understood in reference to the offences of which the author was treating, and these are expressly stated to be treason, felony, or premunire, "or any other offence against the peace:" this, therefore, must be considered as the description of misdemeanor which Hawkins had here in contemplation. That, in the second place, he expressly founds this power, which he states to have been acquired by an alteration of the law, on ancient and universal practice. It rests upon practice and connivance. This practice, with respect to treason, felony, and actual breaches of the peace, is admitted; but where can it be shown with respect to other misdemeanors and offences, not breaches of the peace, but only having a tendency to that effect? Had there been any such constant and universal practice in cases of libel at the time that Hawkins wrote? If there had, it is impossible that he should have failed to notice it in clear and precise terms. Your lordships have then the opinion, the clear and distinct opinion of this able writer, as to treason, felony, and breach of the peace; and if any doubt should arise as to the sense in which he has used the word misdemeanor, that doubt is cleared up by the context, by reference to the description of offences of which he was treating, and by the practice, which he states to have been constant and universal.

The next authority to which I shall refer is that of lord chief justice Hale; and here I am aware of a proposition laid down by that great lawyer, which at first sight may appear to militate against the view which I have taken of this question. That learned authority has stated, * that "justices of the peace may also issue their warrants, within the precincts of their commission, for apprehending persons charged with crimes within the cognizance of the sessions of the peace, and bind them over to appear at the sessions, and this though the party be not yet indicted: and therefore the opinion of my lord Coke is too strait-laced in this case; and, if it should be received, would obstruct the peace and good order of the kingdom."

This opinion appears, at the first view, to state, that for all offences, so cognizable, a warrant might be issued before indictment; but it is afterwards explained,

---

* Hawkins' Pleas of the Crown, b. ii., p. 84.

* Hale's Pleas of the Crown, Vol. i., p. 579.

and the nature of the offences, to which this passage refers, made evident, by the remark that follows on the opinion of lord Coke, which, it states, was too "strait-laced, in this case," as to the authority of magistrates. What was the case on which Coke gave this opinion? The case of felony only. Lord chief justice Hale must, therefore, be taken as controverting here that passage in Coke, in which is laid down, that magistrates could not convict in cases of felony before indictment. This is farther evident from the subject under discussion, which was "Concerning felonies." Your lordships will admit, that, in construing an opinion, it must in fairness be considered with reference to the subject of discussion. Now what is the subject of which chief justice Hale is treating? It is the power of justices to commit for felonies. The title of the chapter is "Concerning felonies by the common law, relating to the bringing felons to justice, and the impediments thereof, as escape, breach of prison, and rescue; and first touching arrests."

I therefore think it impossible fairly to collect from this passage the opinion which some, I understand, are disposed to infer from it. But it is further explained by what lord Hale says in the second volume of his work,* where, speaking of the power to issue warrants, and arrest persons not indicted, he observes, that there had been doubts whether that power was not contrary to Magna Charta. "A jus-of peace," says lord Hale, "hath the power to issue a warrant to apprehend a person accused of felony, though not yet indicted." He then states* the doubt that had arisen on the statutes of Magna Charta, the 25th Edward 3, cap. 4, 28th Edward 3, cap. 3, and the 42nd Edward 3, cap. 3. "The question upon these statutes," he proceeds to say, "is, what is the law of the land? It is clear, if a felony were committed or suspected, a man may be arrested by the party that knows, or upon probable grounds suspects him as the felon, or by a constable upon complaint, or hue and cry. Let a man look upon all the acts of parliament that have been down to this day, he shall find, that the power of justices of peace to convene and commit felons before indictment is allowed." He then cites a variety of statutes, by which it appears that justices may commit for felony, yea, or for suspicion of felony; so that the imprisonment before indictment is surely lawful, and not within the restraint of Magna Charta; and if so, then surely the arrest is much more lawful.—"He may also issue a warrant on suspicion of *felony*, though the original suspicion be not in himself."—"A justice* of peace may make a warrant as well in case of felony as of the peace, to bring the party before himself,"—"or before any of his majesty's justices of peace,"—"or before himself and any of his majesty's justices of peace."

In all these passages lord Hale expressly limits what he says to felony, or suspicion of felony, or breach of the peace. In cases of that description, his opinion, as opposed to that of lord Coke, is clear: but where do we find the same distinct expression of an opinion with respect to this power of arrest and commitment, before indictment found, for misdemeanors or other inferior offences, not being actual breaches of the peace? I am sure your lordships will not infer from lord Hale the existence of such a power, because he seems incidentally to assert it by a casual or parenthetical expression, delivered in treating upon another subject; but you will expect, that the opinion should be clear, distinct, and precise, as it would have been, if such had been the acknowledged and established law when lord Hale wrote. I feel myself, therefore, warranted to contend, interpreting a particular expression (which I hold to be the more legitimate rule of construction) by referring to the subject propounded for discussion, and by comparing it with the context, that no opinion of my lord Hale, in favour of the power now contended for, is to be inferred from the passages that I have cited; but that, on the contrary, the authority of this eminent judge, when fairly considered, is, if I were to stop here, to be taken as preponderating in favour of the opinion which I am endeavouring to maintain.

But if there should still remain a doubt in the mind of any of your lordships, whether lord Hale meant to assert, that justices of the peace had generally a power to commit or hold to bail for all offences within their jurisdiction at the sessions, though not actual breaches of the peace, that doubt must be completely removed by a subsequent passage in the same great author, which I am now about to cite, and to which I request your particular attention.*

---

* Hale's Pleas of the Crown, Vol. ii., p. 108.

* Hale's Pleas of the Crown, Vol. ii., p. 109.

* Hale's Pleas of the Crown, Vol. ii., p. 112.

"Whether, generally, a justice of peace out of sessions, can issue a warrant to apprehend persons offending against a penal law, though within their cognizance, and to bind them over to sessions, or, in default thereof, to commit them, and this before indictment found, seems doubtful. These things seem to make against it: First, because some acts of parliament do particularly and expressly authorize them to it, which they would not have done if it had been otherwise lawful. Secondly, because, in most cases of this nature, though the party were indicted, or an information preferred, yet the *capias* was not the first process, but a *venire facias* and *distringas*; and, in cases of information, no process of outlawry at all (8 Hen. 6. 9 B.) until the statute of 21 James 1, cap. 4, gave process of outlawry in actions popular, as in actions of trespass *vi et armis*."

Here, then, the very question, which we are arguing, is stated: the question as to the power of justices out of sessions, over offences cognizable before them at their sessions: and upon this, does my lord Hale give an opinion confirmatory of the inference which is drawn from the expression, which I have cited from the passage in which he is treating of *felonies and breaches of the peace*? Does it not, on the contrary, prove irrefragably, that, in the passage alluded to, on which, I am told, so much stress is to be laid, he not only did not, but could not mean to deliver any such opinion? The question is here raised, and, when raised, he states upon it not an opinion, but a doubt; and that doubt he supports by two very strong and cogent reasons, which it does not appear to me to be very easy to answer, and which he accordingly leaves unanswered.

The opinion given by chief justice Hale, therefore, fairly considered, reduces itself to this—that, in some cases, justices of the peace possessed the power of issuing warrants, and holding to bail before indictment; and that, in other cases, their right to exercise that authority was doubtful: but when he comes to give any thing like a description of what offences he had in view, he appears expressly to limit the power of the justices to cases of treason' felony, and breach of the peace. This is made completely clear by another passage,* the last that I shall cite from this great judge. "If a justice of peace have jurisdiction in the case *(as he hath in all treasons, felonies, and breaches of the peace, yea though it be treason, so far forth as it is a breach of the peace)*, though he err in granting his warrant, it seems that the officer, who executes it, is excusable."

I contend, therefore, that the authority of lord Hale, fairly considered, weighs decisively against the opinion given by the law officers of the Crown; but, if my argument to this extent should not be admitted, it surely cannot be denied to me, that the most that can be inferred from the writings of lord Hale with respect to this subject is, that he left the case in some degree of doubt: and, if there exists a doubt as to the law on so important a point, I am sure your lordships will not be disposed to lean to that interpretation of it, which is unfavourable to the rights of the subject.

The next authority to which I have to call your lordships attention is that of Mr. Justice Blackstone; the author, as your lordships know, of an elementary work upon the law of England; in that character entitled to the greatest praise, but not possessing the authority of those writers, who who have treated more in detail, and with more accuracy, those questions of law, which come practically before the courts. I say this by no means with a view to depreciate the merit of Mr. Justice Blackstone; that merit I shall always be one of the first to acknowledge; but to caution your lordships against giving too much weight to every particular expression, which, from the very nature of the work, it cannot be supposed that the author could have weighed with as much accuracy and caution, when he was merely giving the general principles as an introduction to a more extensive and accurate knowledge of the science of the law, as if he had been detailing precise rules, founded on precedents of acknowledged authority and decisions of the courts, for the regulation of its practice.

Mr. Justice Blackstone says,* "A warrant may be granted in extraordinary cases by the privy council, or secretary of state: but, ordinarily, by justices of peace. This they may do in any cases where they have jurisdiction over the offence, in order to compel the person accused to appear before them; for it would be absurd to give them power to examine an offender, unless they had power to compel him to attend and submit to such examination. And this extends, undoubtedly, to all treasons, felonies, and breaches of the peace: and also to all such offences as they have power to punish by statute. Sir E. Coke indeed hath laid it down, that a justice of the peace cannot issue a warrant to apprehend a felon, upon bare suspicion: no, not even till an indictment be actually found; and the contrary practice" (observe, with respect to felons) "is held by others to be grounded rather upon connivance than the express warrant of law: though now, by long custom, established. A doctrine, which would in most cases give a loose to felons to escape with impunity, and therefore sir M. Hale hath combated it with invincible authority and strength of reason, maintaining, first, that a justice of peace hath power to issue a warrant to apprehend a person accused of felony, though not yet indicted; and, secondly, that he may also issue a warrant to apprehend a person suspected of felony, though the original suspicion be not in himself, but in the party that prays his warrant; because he is a competent judge of the probability offered to him of such suspicion."

---

* Hale's Pleas of the Crown, Vol. ii., p. 112.

* Hale's Pleas of the Crown, Vol. ii., p. 119.

* Blackstone, Vol. iv, p. 290.

It is observable, my lords, that the only clear and distinct opinion delivered by Mr. Justice Blackstone in this passage (the whole of which I have cited, that I may not be accused of keeping back any thing that is unfavourable to me) is, that this power of arrest and commitment, before indictment found, is vested in justices of the peace, with respect to "all treasons, felonies, and breaches of the peace, and also all such offences as they have power to punish by statute." This is what I had always understood to be the law upon this subject. Beyond the limits thus defined by Mr. Justice Blackstone I had never conceived the power of the magistrates out of sessions to extend; and I never was more surprised than when I read, what appeared to me to be the novel doctrines, doctrines which I am convinced, upon examination, are equally novel and untenable, conveyed in the shape of an instruction to the magistrates, in the Circular of the secretary of state. Every person of eminence in the profession of the law, with whom I conversed on the subject, expressed equal surprise. I remembered too the discussions which took place in this House on the letter of the secretary in Ireland, the proclamation, and the proceedings upon the Convention act, in 1812. On that occasion, this very question was debated. I myself then maintained as law, what I still believe to be law, that the power of justices of the peace, out of sessions, or even of the judges of the Court of King's-bench, to commit or hold to bail, did not, unless given by special statute, extend beyond "treason, felony, and breach of the peace." I called upon the noble and learned lord on the woolsack to contradict me, if what I said was incorrect. He remained silent. It is not fit that I should refer to any thing that passed in private communications, which the urbanity of the noble lord permits even to his political opponents; but the impression left upon my mind by the result of that discussion was, that the law, as I then stated it, and as I now contend it to be, as it had not been, so it could not be disputed. A noble friend near me (lord Holland) entered upon that occasion a protest, stating distinctly the same principle of law. A protest undoubtedly cannot be cited as expressing more than the opinions of the individuals who signed it. But it was the subject of some conversation and discussion amongst persons, who took different sides on the question to which it referred, and by none of them, though the correctness of its application might be denied, did I ever hear the soundness of its law disputed.

I say, then, that the only opinion clearly announced in the passage, which I have quoted from Mr. Justice Blackstone, is, that justices of the peace may issue their warrants to apprehend, or to commit in default of bail, for treason, felony, breach of the peace, and such other offences as have been made specially liable to the exercise of such a power by statute. To this extent, says Mr. Justice Blackstone, their power, *undoubtedly* goes; implying thereby, that, in the words which preceded, he did not mean *positively* to affirm the existence of such a power beyond those limits. It is observable, too, that he interprets the passage of lord Hale, to which I have already adverted, as applicable only to the opinion of my lord Coke respecting *felony*. He does not extend it to misdemeanor, as he would unquestionably have done had he understood my lord Hale as meaning to give to the opinion, which he asserted in opposition to lord Coke, such an extension. And it is farther to be remarked, that the marginal note shows, that the introductory words to the more distinct opinion, which I have stated, are intended as a citation from Mr. Sergeant Hawkins. Now this is clearly a misapplication, or rather an undue extension of the authority of Hawkins on this point, which relates solely to the power of one justice, where a jurisdiction is given him by a particular statute. It affords, therefore, no foundation for the larger statement, which appears to have been somewhat incautiously made by Mr. Justice Blackstone, as to all offences coming within the jurisdiction of the justices at their sessions; and he himself seems to have so little intended to convey a conclusive or decided opinion on this point, that he immediately adds, in speaking of this very power, that it extends "undoubtedly to all treasons, felonies, and breaches of the peace," and other offences over which a jurisdiction is given by a particular statute; thereby, as I have already stated, clearly implying, that, beyond this extent, such a power could not be asserted undoubtedly to exist. Taking, therefore, into view the opinions of Hawkins, Chief Justice Hale, and Blackstone, and recollecting what had passed in that debate, it surely is not without reason, that I have been led to conclude, that magistrates could not hold to bail in any case less than an actual breach of the peace, in which the power was not given them by statute.

In support of the conclusion which I have thus drawn from the writings of these great authorities of the law, I would next call the attention of your lordships to a case tried before lord chief justice Holt —the case of Roe, Kendal, and others.* They had been committed by the secretary of state, for assisting sir E. Montgomery, who was in custody for treason, to escape. Their offence, therefore, by the law of England, was treason; yet it was objected, that, even in that case, the secretary of state had no power to commit.

Holt, C. J. "Why should not a secretary of state have power by law to make commitments? Pray what authority has a justice of peace to commit in cases of high treason? It is not given him by any statute; and truly I cannot tell from whence he derives such an authority, unless it be by virtue of the old common law, which doth authorize conservators of the peace to commit in such cases. My lord Coke doth seem to intimate, that a man could not be committed till he was indicted; but certainly that is a mistake, for the constant practice is otherwise."

Lord Holt then, my lords, appears in this case to have considered the power of a justice of the peace to commit even for treason, to be derived from the old common law which gave it to conservators of the peace. It gave it to them as conservators of the peace, in cases of actual breach of the peace; and it is accordingly upon that principle, and under that construction of their commission, that the power of committing for treason is said to belong to them, by the writers on this subject. It is because the offence is against the peace, says Hawkins, upon the authority of Dalton and lord Hale, that justices have power to commit in cases of treason, as well as in præmunire and misprision of treason. And, "this opinion," he adds, "seems to be agreeable to constant practice, especially since the statutes of the 1st and 2nd Philip and Mary, cap. 13th, and the 2nd and 3rd Philip and Mary, cap. 10; which, directing justices of peace to proceed in this manner against persons brought before them for felony, seem to give them a discretionary power of proceeding against persons accused of the above-mentioned offences."

Here, then, we see, that this power of the justices, recognized by the statutes of Philip and Mary as to *felony* and as to felony, only, is, in the opinion of the greatest writers on the law, extended by constant practice, to other crimes, which are considered as offences against the peace. It is upon this principle, that the power of commitment for treason was exercised at the common law by the conservators of the peace. It is upon this principle, that my lord Holt says it must be considered as vested also in the secretary of state. Taking, therefore, the authority of the conservators of the peace, confirmed, as lord Holt says, by constant practice, to be the foundation of this power, we have to inquire, where the instance is to be found of the exercise of such a power by these ancient magistrates in cases of trespass or misdemeanor, not being actual breaches of the peace; or what proof there is of that constant practice, which, according to lord Holt, proves lord Coke's opinion, respecting the power of a justice of peace to commit for felony, before indictment found, to be a mistake?

---

* 7th Wm. 3rd. Modern Reports, Vol. v. p. 80.

There is another case, in which the same excellent judge delivered an opinion materially bearing upon this important question, to which I also beg to call your lordships attention. It is the case of the Queen against Tracey*.

Holt, C. J. "If one be taken by a process from sessions to the sheriff, he must give bail bond, according to the statute of Henry 6th; and wherever one may be taken up by a warrant of one justice, any one justice may bail; formerly, indeed, none could be taken up for a misdemeanor until indictment found; but now the practice over all England is otherwise. 'And per Hale: 'that practice is become a 'law, and justices of peace, *eo ipso*, 'may bind to the peace, and over to sessions, for every breach of peace, before 'indictment found.'"

Here, then, we have the opinion of Lord Chief Justice Holt, expressed in a manner which can admit of no doubt: the misdemeanours, for which a justice of the peace may commit, are such offences as, according to the practice then established over all England, were subject to that power. With respect to what offences did that practice prevail? I answer, with respect to treason, felony, and breaches of the peace, and no other, except where the power was given by a special statute. The misdemeanours, then, here alluded to, were breaches of the peace; and to show that this, and this only could be the meaning of lord Holt, he proceeds to cite the authority of Hale in support of his opinion, and states, from that great authority, that, "the practice," which he states to be universal, "is become law, and justices of peace, *eo ipso*, may bind to the peace, and over to sessions, for every breach of peace, before indictment found." Is it in the power of words to express any thing more clearly? And is it not thus demonstrated, first, that lord chief justice Holt expressly confines the opinion here delivered to actual breaches of the peace; and, secondly, that, in citing lord Hale, he understood the authority of that great lawyer and judge to confine the power of the magistrates, with respect to offences for which they might commit before indictment found, expressly within the same limit.

In another case, which came before the court of King's-bench in the time of chief justice Parker, afterwards lord Macclesfield * (the Queen against Derby) I find, in the judgment delivered by that eminent person, a farther confirmation of the opinion, which I have been endeavourimg to maintain. This, your lordships will recollect, is one of the cases referred to by the law officers of the Crown as establishing the power of arrest and commitment for libel by the secretary of state. In that view I do not mean to contest the inference that is drawn from it, though I shall have to contend, that it affords no precedent for the power now claimed for justices of the peace; but I cite it now to show, with respect to this latter point, that the opinion of my lord Macclesfield coincided with that of the other great authorities, which I have already examined. The defendant in this case had been committed for a libel by the secretary of state. His counsel, in arguing the legality of the commitment, admitted the power of a secretary of state to commit for treason and felony, that point having been decided in the case of Roe and Kendal, but they denied it as to libel; because this was no offence on which commitment might by law be till indictment or presentment. This argument of the counsel, my lords, seems at least to prove, that there could at that time have been no such acknowledged practice as is now insisted upon; and this seems farther confirmed by the answer of the counsel for the prosecution, who do not contend, generally, for the power of committing in cases of libel, but state, in reply to the objection, that a warrant was not a commitment, but only what was necessary to the examination of the person accused; and that he could not now take exception to the commitment, because he had entered into a recognizance to appear."

C. J. Parker. "The defendant cannot be discharged; the warrant is good and legal. Suppose there be an information to a justice of peace that one is a *felon*; may he not send a warrant to have him come before him? To have him examined as for the benefit of an innocent man," &c.

---

* 3rd Anne. Modern Reports, Vol. 6, p. 179.

* 10th Anne. Fortescue's Reports, p. 140.

The terms, my lords, in which this judgment is delivered, are remarkable: lord chief justice Parker, asserting the legality of the warrant, says, may not a justice of peace send out his warrant—for what? for libel? No, but for *felony*. For offences of that description lord chief justice Parker seems to have considered the power of a justice of peace as clear and indisputable; and attributes to the secretary of state a similar power in cases of libel. But the inference would have been stronger, and there can be no doubt that he would so have applied it, if he had supposed that, by law, justices of the peace could issue their warrants for similar offences. There arises, therefore, in my mind, the strongest presumption, that lord chief justice Parker, in asking whether justices of peace had not this power in cases of felony, could not have supposed them to possess it in cases of libel.

I come now, my lords, to the celebrated case of Mr. Wilkes: a case heard and decided by one of the greatest judges that ever sat upon the bench—a judge eminent for learning, eminent for ability, eminent for the most unsullied integrity, but eminent, above all, for an affectionate and enlightened attachment to the constitution and liberties of his country, and his zealous and independent support of them at the bar, on the seat of judgment, and in the senate. Your lordships will at once point what I am now saying to the great and venerable name of lord Camden. The case of Mr. Wilkes arose, as your lordships know, upon his commitment for a libel, by the secretary of state. The general power of the secretary of state to commit for libel was not questioned: it was at that time considered as established by the decisions of the court in the cases of Derby and Earbury. But three objections were taken to the warrant. First, That evidence upon oath had not been taken. Secondly, That it was too general. Thirdly, That it was against the privilege of parliament.

The two first objections were overruled; but, upon the third, the discharge of Mr. Wilkes was ordered; and lord Camden concludes his judgment with these remarkable words, which I have taken from Mr. Serjeant Wilson's report of that case.*

"We are all of opinion, that a libel is not a breach of the peace. It tends to the breach of the peace, and that is the utmost—1 Lev. 139. But that which only tends to the breach of the peace cannot be a breach of it. Suppose a libel to be a breach of the peace, yet I think it cannot exclude privilege; because I cannot find, that a libeller is bound to find surety of the peace, in any book whatever, nor ever was, in any case, except one, viz. the case of the seven bishops, where three judges said, that surety of the peace was required in the case of a libel. Judge Powel, the only honest man of the four judges, dissented; and I am bold to be of his opinion, and to say, that case is not law. But it shows the miserable condition of the state at that time. Upon the whole, it is absurd to require surety of the peace or bail in the case of a libeller, and therefore Mr. Wilkes must be discharged from his imprisonment."

The case of commitment by a justice for libel was not, as I have already stated, before the court; but here, in delivering judgment, a principle is laid down by lord Camden directly applicable to that case; and I ask of your lordships, whether it does not authorize me to add that venerable name to those of the greatest authorities of the law, whose opinions I have before cited, and to conclude, that, whether taken separately or collectively, they constitute as strong a body of authority as can be expected to be found in support of the position, which I now lay down as established by the examination with which I fear I have tired your lordships patience, that for misdemeanours, not being actual breaches of the peace, and for libel, as coming within that description of misdemeanor, justices of the peace, before indictment found, have no power to issue their warrant, to apprehend, or to commit. No distinct authority in favour of such a power is to be found in any of the text writers on the law: on the contrary, I contend, the result of what they have written on this subject, fairly considered, is directly against it. But if there were no such inference to be drawn, if the case rested merely on their silence respecting this point, I should argue, that this alone ought to induce your lordships to pause, at least, before you will recognize the existence of such a power. For surely, my lords, on a point so important to the freedom of the press, so intimately connected with the security and liberty of the people of this country, where the power contended for is necessarily so extensive in its operation, and so dangerous, as I shall show hereafter, in its exercise, it is not to be supposed, that these great and learned persons, whether examining the principles of the law and of the constitution, and applying them to practice, by writings carefully meditated in their closets, or delivering their opinions upon them in the solemn execution of their judicial duties; it cannot, I say, be supposed, that if this power had been so clear as some contend, that they would not have noticed it, in distinct and unequivocal terms, and strictly defined its origin and its limits. I conclude, therefore, this part of my argument, in the words of lord Camden, in his immortal judgment in the case of Entick against Carrington, "If it is law it will be found in our books: if it is not to be found there, it is not law."

---

* Howell's State Trials, vol. 19, p. 990.

I have already stated generally, that if it be true that justices may grant their warrants in any cases where they have jurisdiction at the sessions, they may do it in all such cases; not only for libels of all descriptions, whether dangerous to the safety of the state, or merely injurious to the private reputation of individuals; but for every species of offence which either comes within the letter, or, by allowed construction, within the equity of their commission; for forestallings, regratings, engrossings, and extortions, which are distinctly expressed, as well as for conspiracies, and other similar offences, which, under the received interpretation of the word *trespass*, are now admitted to be cognizable at the sessions. My lords, I ask, where the exercise of so extensive and, as I shall presently show, so dangerous a power is to be found? Of the affirmative what proof have we? I have looked in vain for it. If it had been recognized in practice, surely some directions for its exercise would have been delivered to us. In Burn we have the manner in which the information shall be taken, and the warrant made out, for felony, under the game laws, and I believe in almost all the cases in which the ordinary exercise of that power has been established by law, or recognized in practice. In conspiracy and libel we have no such forms or directions given us; a strong presumption, at least, that, with respect to these and similar offences, there has been hitherto no such established practice, as must be proved, to give to the partial dicta of lord Hale, and Hawkins, and Blackstone, if they are still to be maintained, the effect, which is contended for. But, my lords, if we have no proof of the affirmative of a proposition, which would give to the justices of peace so tremendous a power, have we none of the negative? To this I beg your lordships particular attention; and, if I can show that, with respect to any one of the offences, which are brought within the jurisdiction of the justices at their sessions, under the general word *trespass*, as tending to a breach of the peace, and which have been stated by the highest authorities in the law to stand precisely on the same footing, in this respect, with libels—If I say, I can show, with respect to any such offence, that the law denies this power to a justice of the peace out of sessions, before indictment found, then I contend the negative of the proposition, which I am combating, is clearly established.

In the case of the king against Rispal,* an indictment had been found, at the sessions, against the defendant and two others for a conspiracy. It was removed by *certiorari* to the court of King's-bench, The indictment was objected to on two grounds. First, That the justices at their sessions have no jurisdiction over conspiracies, any more than over perjury, usury, and forgery; it being not specified in their commission, nor given them by any special statute. Secondly, that the indictment did not charge them to have conspired to fix any crime on the defendant.

Lord Mansfield. "The case lies in a narrow compass. The first question is, whether the justices in sessions have a jurisdiction over conspiracies. No authority has been cited to show that they have, or that they have not. It must therefore be determined on general principles. The cases of perjury, usury, and forgery, stand on their own special grounds; and it has been determined, that the Justices have no jurisdiction there. This offence of a conspiracy is a trespass, and trespasses are indictable at the sessions, though not committed with force and arms. They tend to the breach of the peace as much as cheats or libels, which are established to be within the jurisdiction of the sessions. As, therefore, there is no authority to the contrary, I think the justices had a jurisdiction here."

Your lordships will observe, that the question here is as to the validity of an indictment at the sessions for *conspiracy*, over which it is contended, that the justices have no jurisdiction, as it is not specified in their commission, nor given them by any special statute. This objection lord Mansfield overrules, because, as tending to a breach of the peace, it comes under the word *trespass* in the commission, and stands precisely on the same footing as libels and cheats. Now, my lords, it is first to be remarked, that, in this judgment of lord Mansfield, nothing more is affirmed, than that offences of this description are cognizable at the sessions: they are stated by him to come within the same general principle. As to conspiracies, as the power even of trying them at the sessions was, at that time, contested, and lord Mansfield states, that no authority, with respect to the jurisdiction of the justices over that offence, had been cited either one way or the other, it is clear, that no practice could exist. In cases of libel, though the jurisdiction at the sessions was then considered as established, I think I have already shown, that no uniform and constant practice can be proved. But, in cheats, a case, according to lord Mansfield, precisely similar to that of libel, there is the clearest evidence, that this pretended power of a justice of the peace, out of sessions, has no foundation either in law or in fact.

---

* 2d Geo. 3d, Blackstone's Reports, p. 368.

I need not tell your lordships, that cheats are offences at the common law. They are also made punishable by an express statute, the 33d Hen. 8th, cap. 1, either at the assizes or sessions, by imprisonment, pillory, or other corporal punishment, except death. And "Two justices of the peace may call and convent, by process or otherwise, to the assizes or sessions, any person suspected, or commit or bail him to the next assizes or sessions."

Here, then, is the most complete proof, that for the offence of *cheats,* an offence cognizable at sessions—cognizable as a *trespass* because tending to a breach of the peace—cognizable as coming within the same general principle as *libel*—the justices, previous to the 33d Hen. 8th, had no power to commit or hold to bail before indictment; nay, that even now a single justice has not that power, the statute requiring the concurrence of two. Here, then, is an end of the supposed principle, that this power is necessarily to be inferred, where there is a jurisdiction at the sessions, in order to compel an attendance there, because the statute of the 33d Hen. 8th, in the words of lord Hale, would not have been required, particularly and expressly, to authorize its exercise, and define its limits, if it had been otherwise lawful. Thus I trust, your lordships will be of opinion, that a complete answer has been given, first to the general reasoning by which this authority is supported, and, secondly, to its extension to the particular case of libel, because in this case no such power has been given by statute, as in the case of cheats; and may I not conclude, taking the whole of this together, that the authority of lord Mansfield is to be added to the other great authorities, in support of the conclusion, to which I again come, that, for offences less than a breach of the peace, unless given by a special statute, justices have not, before indictment found, any authority to commit or hold to bail?

But, my lords, if any thing were wanted to add to the weight of this collective authority, it would be to be found in the extravagant and dangerous consequences to which the opinion of the law officers of the Crown must necessarily lead. Only consider, I beseech you, the enormous extent and dangerous tendency of such a power, if it should really exist. There is hardly a case of daily occurrence, and of the most doubtful construction, in which the interests, the prejudices, the fears, or the passions of the magistrates might be involved, to which it might not be applied. In what I am going to say, I beg I may not be understood as intending to throw the slightest reflection on that highly respectable body of country gentlemen, who act in the commission of the peace. On the contrary, nobody can feel more sensibly than I do all their merits, or acknowledge, more willingly, the immense obligation the public is under to them, for discharging, as most of them do, with great intelligence, industry, and integrity, at the expense of their personal ease and convenience, duties, now become, as difficult and laborious, as they are important. But justices are men—as men liable to all the infirmities of our imperfect nature; and, from their rank and situation in life, exposed to all the temptations of interest, to all the influence of prejudice, to the bias of personal connexion, to the instigations of inconsiderate zeal, to the excitements of passion, and to the love of power. It is upon these grounds and to avoid exposing them to a dangerous conflict between feelings, originating from any of these causes, and their duties, that

I have frequently heard, in this and the other House of parliament, objections urged against the extension of the summary jurisdiction and power of magistrates. This principle of salutary caution, not offensive to the honour of any class or description of persons, but necessary for the protection and safety of all classes and descriptions, has usually had its just weight with the legislature, in passing laws relating to subjects of this nature. It is in this sense, and in this sense only, that I wish what I am now saying to be applied; and, to pass over all the other numerous offences, which the establishment of this new practice would subject to the power of justices of the peace. I beg your lordships to consider the danger of its exercise, particularly with respect to *libel.*

In all the varieties of writings, which may constitute that offence, what is more difficult to be decided than the question of their guilt or innocence? What more exposed to the influence of undue motives in its decision? It has been formerly stated, by some of the most eminent persons in the profession of the law, nay, by almost all of them, to be so nice and difficult a question, that it could not be safely left even to a special jury: that they were only to find the fact of publication, and that the criminality of the writing, as a question of law, was exclusively for the decision of the court. This, my lords, was long contended for, and long acted upon as law; till, happily for the freedom of the press, and for the liberty of the country, of which the press is the great palladium, by the perseverance of my noble and learned friend (lord Erskine), near me, and by the exertions of the man, whom, in public life, I most loved and admired (Mr. Fox.), whom I had nearly called one of the greatest lawyers, but who certainly was one of the greatest men this country ever produced, that principle was at length exploded, and, by the libel bill, it was at last established, that, in prosecutions for *libel,* both the law and the fact were within the province of the jury, and to be decided by them. But, my lords, what avails this just and beneficent statute, what security is there either for the freedom of the press or the liberty of the subject, if, whilst you have imposed this salutary restraint upon the judges, in trials for libel, you give to them, and to justices of the peace, before trial, a right to decide that difficult question, and to commit to prison (in many instances perhaps to inflict a severer punishment than the court upon conviction would adjudge) upon a charge which, after all, may turn out to have had no foundation, but in the false interpretation of words perfectly innocent, by the justice before whom the charge was brought? I cannot, my lords, I will not believe, that you can sanction the exercise of such a power. That it is not law, I think I have already shown; but if it is law, your duty calls upon you to lose no time in altering it. With respect to offences over which this authority is acknowledged, it is ordinarily a simple and intelligible fact, of which the magistrate has to judge; whether a felony has been committed; whether a person accused has been guilty of an assault; whether the peace has actually been broken; whether the provisions of a particular statute have been violated: these are facts, depending upon evidence, of which it is easy to judge, and upon which the interests or feelings of the magistrate are seldom likely to interfere with an impartial discharge of his duty. But upon libel, where the whole guilt or innocence of the offence must depend upon the intention, and must be inferred from the construction and the innuendoes; often difficult for the most impartial and unbiassed person to decide; where the prejudices, interests, or passions of the justice before whom the charge is brought, are so likely to influence his interpretation of the words; where, in political or religious libels more especially, his particular opinions and attachments must unavoidably have so great a sway; in cases of this sort, to place, upon the charge of any common informer, the personal liberty of every writer and publisher on politics, religion, or law, or any other public question, the unfettered discussion of which is of the very essence and principle of a free government, at the discretion of magistrates mixing in all the contests of the time, and partaking, on one side or the other, in all the heats and prejudices, which personal or party interests engender—if such be the power of the magistrates, and if this be the law, where, I ask, are all the boasted securities of our independence and freedom? Look, I once more implore you, at the enormous extent and dangerous tendency of the power now contended for; and with this comment upon all that I have argued from the reports of the decisions of our courts, and the books of our ablest writers, I say once more such is not, such cannot be the state of the law in this country, hitherto famed for the sure protection which every individual enjoys, against the insidious attempts of private malice, or the open attacks of power.

What then remains, my lords? The practice and the precedents, on which (for they have cited no statute, no principle of the common law, no decision of any court, no dictum of any judge, no authority of any text writer) the law officers of the Crown appear to rely. Before I proceed, however, to consider the sort of practice of which your lordships would require evidence to substantiate a point of this nature, or the precedents which have been referred to in support of it, I must shortly notice what is said of the silence of the court, in the case of Mr. Wilkes. There is no decision or opinion of the court, it is said, that, in a case of libel, a justice of the peace might not apprehend a person, who could not claim the privilege of parliament, and demand bail to be given to answer the charge. This silence of the court might have perhaps been taken as a sort of negative support of the opinion, which I am canvassing, had the commitment of Mr. Wilkes been by a justice of the peace; though this I think would have been much too weak a foundation for the assumption of so arbitrary and dangerous a power. But in the case of Mr. Wilkes no question arose as to the warrant of a justice of the peace. Mr. Wilkes had been committed by the secretary of state. This point therefore was not before the court; and its having passed unnoticed, both by the defendant's counsel and by the court, affords no inference to warrant the conclusion of the law officers of the Crown; unless it can be shown, as I shall prove it cannot, that the authority of a justice of the peace and of the secretary of state stands upon precisely the same principle.

In the interpretation of a general act, my lords, where a particular is put for an example, the rule I believe is, that there must be a perfect resemblance between the things expressed and those implied, as that administrators are the same as executors, and so forth: and in like manner, to argue from the power of the secretary of state in favour of that of the justice of peace, I contend, we must be satisfied that there is the same perfect resemblance of character. But can it be necessary for me to insist, before your lordships, that, instead of this perfect resemblance, there is the most obvious and striking dissimilarity in their character, their functions, and their authority? The secretary of state is a great executive minister of the Crown, responsible for the advice he gives his sovereign, and for his conduct in the performance of the high duties of his office; possessing no judicial authority whatever; but intrusted with certain powers for the security of the government, with the care of which he is specially charged. Considering the character of his office, therefore, there may be many reasons for entrusting the power of committing or holding to bail for libels of a treasonable, or seditious, or blasphemous character to the secretary of state (though I am far from thinking the exercise of such a power, even by him, either safe or necessary), which would not apply to a justice of the peace. Though strongly interested to support the power of the government, he is less exposed to the influence of those motives to which justices of the peace, from mixing in all the common concerns of life, may be liable; or, if exposed to them, he acts under the immediate control of parliament, where any error, or abuse in the exercise of his authority, can seldom escape being severely questioned. To the discretion of this minister, acting by the advice of the law officers of the Crown, and with so high a responsibility, such a power, it might therefore be contended, might be safely and usefully committed, though it would be extremely dangerous to extend it indiscriminately to all justices of the peace. But, my lords, to show how little analogy there is between offices so widely dissimilar, I must trouble your lordships with again reading, from the judgment in the case of Entick against Carrington, the opinion of lord Camden, as to the nature and origin of this extraordinary and anomalous power of the secretary of state to commit or hold to bail for libel; which he admits to have been established by practice, and by the decisions of the courts; though he plainly intimates, that he conceived those decisions to have been erroneous.

"The power * of this minister" (the secretary of state) "is pretty singular. If he is considered in the light of a privy counsellor, he is the only one of that body who exerts it. His power is so extensive in place, that it spreads throughout the

---

* Howell's State Trials, vol. 19, p. 1045, et seq.

whole realm; yet, in the object, it is so confined, that, except in *libels and some few state crimes*, as they are called, the secretary of state does not pretend to the authority of a constable. To consider him as a conservator—he never binds to the peace or good behaviour, which seems to have been the principal duty of a conservator; at least he never does it in those cases, where the law requires those sureties. But he commits in certain other cases, where it is very doubtful whether the conservator had any jurisdiction whatever. His warrants are chiefly granted against *libellers*, whom he binds in the first instance to their good behaviour, *which no other conservator ever attempted*, from the best intelligence that we can learn from our books. And though he doth all these things, yet it seems agreed, that he hath no power whatever to administer an oath or take bail. This jurisdiction, as extraordinary as I have described it, is so dark and obscure in its origin, that the counsel have not been able to form any certain opinion from whence it sprung. Sometimes they annex it to the office of secretary of state, sometimes to the quality of privy counsellor, and in the last argument it has been derived from the king's royal prerogative to commit by his own personal command. Whatever may have been the true source of this authority, it must be admitted, that he is, at this day, in the full legal exercise of it; because there has been not only a clear practice of it, at least since the revolution, confirmed by a variety of precedents; but the authority has been recognized and confirmed by two cases in the very point, since that period; and, therefore, we have not a power to unsettle or contradict it now, even though we are persuaded that the commencement of it was erroneous."

Lord Camden then enters into a very learned investigation of the origin and foundation of this power, and he concludes this part of his judgment as follows:—

"I am persuaded that the secretary of state hath assumed this power, as a transfer, I know not how, of the royal authority to himself; and that the common law of England knows no such magistrate. At the same time I declare, wherein my brothers do all agree with me, that we are bound to adhere to the determination of the court in the cases of the Queen against Derby, and the King against Earbury; and I have no right to overturn those decisions, even though it should be admitted, that the practice, which has subsisted since the revolution, had been erroneous in its commencement."

Here, then, my lords, in this solemn judgment, given after long and diligent consideration and inquiry, we find my lord Camden stating, almost in the words of lord Holt, that he is puzzled to account for the origin of this power in the secretary of state; that it is unknown to the common law; and that it had been assumed as a transfer of the royal authority to commit *per mandatum regis:* thus putting it on a ground, which is clearly inapplicable to the office of a justice of the peace.

Having, then, my lords, as it appears to me, proved undeniably, that the admitted and established practice of the secretary of state has nothing to do with the question, as it relates to these other magistrates, we come at last to consider separately, with respect to them, what practice can be set up for the exercise of this power. The learned persons, who have given the opinion on your table, refer, in support of it, to two cases of recent date, in 1801 and 1802, in which two persons, of the names of Spence and Hogg, were held to bail, the one for a seditious, the other for an indecent libel. In the first of these cases it appears, that, in 1801, a person of the name of Arthur Searle laid an information on oath before Mr. Ford, justice of peace for Middlesex, of his having printed a pamphlet, intituled, "The Restorer of Society to its Natural State," for Thomas Spence. That Spence was held to bail for his personal appearance in the King's-bench to answer the charge. That the attorney-general (Law) filed an information against him. That he was called upon his recognizance to appear, and, appearing, was charged with the information, pleaded not guilty, and was afterwards tried, convicted, and sentenced.—The recognizance was filed in the King's Bench, and there are recorded the rule of court stating his appearance and plea, and the entry roll in the King's-bench containing the information, plea, trial, and sentence.

The other case, of Hogg, in 1802, is of a similar description. Information upon oath was laid by the direction of the same attorney-general (Law), before the lord mayor, against the defendant, for selling a work called "Trials for Adultery." The lord mayor issued his warrant for Hogg's apprehension: he was apprehended, and held to bail for his appearance in the King's-bench. Mr. Perceval, having succeeded as attorney-general, filed his information: Hogg appeared in court, and suffered judgment to go by default.—Having made affidavit that he had stopped the sale of the books, he was not called up for judgment. There is, on record, the recognizance, the affidavit, and the entry roll in the court of King's-bench.

These cases, which have been communicated to me by the courtesy of the noble and learned lord on the woolsack, I have stated at length; and I ask, what inference is to be drawn from them? Are two solitary cases, neither of them contested, and in one of which judgment was suffered to go by default, to be pleaded as proofs of such an exercise of the power of apprehending and holding to bail for libel as will establish its practice? My lords, for such a purpose, proofs of a very different practice will be required. Not of a practice depending on two modern instances, but derived from a high antiquity, and sanctioned by the decisions of the courts: a practice, as it is described by lord Mansfield and other legal authorities, *communiter usitata et approbata.* It is singular, my lords, that even in modern times, and especially at the beginning of the French revolution, when the press teemed with publications, which were represented as being of the most dangerous tendency; when prosecutions were numerous, and the conviction and punishment of the offenders considered of the greatest importance; it is singular, I say, that at that time this practice does not appear to have been discovered. I never heard that Paine, for the Age of Reason, or any other of the persons accused of issuing libels threatening the very foundations of civil society, and attacking the principles of all morality, law, government, and religion, were, before indictment, found or information filed, taken up, or held to bail, or committed. But if such a practice could have been proved, if it could have been traced backwards to the time of the revolution; if it could have been shown, that the most illustrious characters in the law, in conducting state prosecutions, as attornies-general, had successively acted upon it; still I should contend, that the mere acts of the law officers of the Crown (which will always be regarded with a wholesome jealousy by a constitutional parliament) if they had not been objected to, and brought under the view of the judges of the land, by a solemn appeal to their decision, would not constitute such a practice as would justify your lordships in recognizing the legal existence of the power, which is now claimed for the justices of the peace.

And here I would remind your lordships of the case of general warrants. What could be more established in practice than these warrants? They had been issued for above a century, without dispute or contest: persons apprehended under them had been held to bail for their appearance before the courts: they had been called and appeared before the courts upon the recognizances thus taken; all the most eminent characters in the law, the same whose authority may now perhaps be pleaded for a no- less dangerous practice, had acted as attornies-general during these proceedings; yet my lords, notwithstanding this long course of undisputed and continued practice, when the legality of these warrants came at last to be questioned before the court of King's-bench, all the judges concurred in declaring them to be illegal; and they were afterwards condemned by a resolution of the House of Commons, whereby the people of this country have been protected against the farther exercise of so dangerous a power. I beg your lordships to attend to the words in which the opinions of the court, upon the subject of general warrants, are given;* and you will then see the degree of value that is to be attached to a practice of this description.

Lord Mansfield. "It is said, that the usage has been so; and that many such warrants have issued, since the Revolution down to this time. But a usage, to grow into a law, ought to be a general usage, *communiter usitata et approbata*, and which, after a long continuance, it would be mischievous to overturn."

Mr. Justice Wilmot "had no doubt nor ever had upon these warrants: he thought them illegal and void."

Mr. Justice Yates and Mr. Justice Aston "had no doubt of their illegality: *for no degree of antiquity can give sanction to a usage bad in itself.*"

Thus, my lords, you see, that a much longer practice, in the case of general warrants, did not induce the court to support their legality. In addition to this authority of the court of King's-bench, I have also again to quote to you upon this point, the judgment of lord Camden,* in the case of Entick against Carrington, not only to show the opinion of that great judge also as to the sort of usage which would be required to establish a practice of this nature, but to rebut the inference, which may perhaps be drawn from the acquiescence of the court in the cases of Spence and Hogg.

---

* Howell's State Trials, Vol. 19, p. 1027.

Lord Camden. "I come now to the practice since the Revolution, which has been strongly urged, with emphatical addition, that a usage, tolerated from the æra of liberty, and continued downwards to this time, through the best ages of the constitution, must neccssarily have a legal commencement. Now that pretence can have no place in the question made by this plea, because no such practice is there alleged; yet I will permit the defendant, for the present, to borrow a fact from the special verdict, for the sake of giving it an answer. If the practice began then, it began much too late to be law now. If it was more ancient, the Revolution is not to answer for it; and I could have wished, that, upon this occasion, the Revolution had not been considered as the only basis of our liberty. The Revolution restored this constitution to its first principles: it did no more. It did not enlarge the liberty of the subject; but gave it a better security. It neither widened nor contracted the foundation; but repaired, and perhaps added a buttress or two to the fabric: and if any ministers of state have since deviated from the principles at that time recognized, all that I can say is, that, so far from being sanctioned, they are condemned by the Revolution. *With respect to the practice itself, if it goes no higher, every lawyer will tell you, it is much too modern to be evidence of the common law*; and if it should be added, that these warrants ought to acquire some strength by the silence of the courts, which have heard them read so often upon returns, without censure or animadversion, I am able to borrow my answer from the court of King's-bench, which lately declared, with great unanimity, in the case of general warrants, *that as no objection was taken to them upon the returns, and the matter passed* sub silentio, *the precedent was of no weight*. I most heartily concur in that opinion; and the reason is more pertinent here, because the court had no authority in the present case to determine against the seizure of papers which was not before them; whereas in the other they might, if they had thought fit, have declared the warrant void, and discharged the prisoner, *ex officio*.—But still it is insisted, that there has been a general submission, and no action brought to try the right. *I answer, there has been a submission of guilt and poverty to power and the terror of punishment. But it would be strange doctrine to assert, that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid to dispute.*"

Apply the passage, my lords, which I have here cited from this admirable judgment, and which I have had a pleasure in reading at length on account of the sound and constitutional doctrines which it contains, apply it, I say, to the case before us, and to the plea which is set up of practice, and of the acquiescence of the court. With respect to the first, standing upon this judgment, as upon a rock, I again assert, that if, not the cases of Spence and Hogg, cases only of fourteen or fifteen years standing, but a continued string of uncontested cases from the Revolution downwards could have been produced, they would not have amounted to evidence of a legal practice; the more especially, as during the whole period, from the Revolution to the year 1763, when the warrant against Mr. Wilkes was set aside on the ground of parliamentary privilege, there might be prevailing a general, though certainly an incorrect notion, that libel was to be considered as an actual breach of the peace; the last decision of a court of law, in the case of the seven bishops, having so ruled it. With respect to the second ground, the silence of the court, I answer, with the united authority of the courts of King's-bench and Common Pleas, when two of the greatest judges this country ever produced presided over them, that, "as no objection was taken to them, and the matter passed *sub silentio*, the precedents are of no weight:" and, that "the submission of guilt and poverty to power and the terror of punishment," as in the cases of Spence and Hogg, in the latter more particularly (who was seeking to avert the penalties to which he was exposed, and succeeded in doing so by stopping the circulation of the libel), is not to be taken for the establishment of a power, unknown to the statute or to the common law, and most dangerous to the freedom of the press, and to the liberties of the people of this country.

---

* Howell's State Trials, Vol. 19, p. 1067, et seq.

Surely, my lords, more cannot be necessary upon this point; but, if farther argument is required, it is not wanting; and, if we are still referred to the opinion, "of one of the most learned of the predecessors" of the present attorney-general—and to the learning, ability, and integrity of that noble lord, and to the eminent advantage to the public with which he discharges the duties of the high judicial situation, which he now holds, no man is more ready to bear testimony than I am—to that opinion, and to the acquiescence and silence of the court, I must oppose the opinion of another living authority, equally able and learned, who formerly held the same office; and the concurrence of the whole legislature, evidenced, not by a silent acquiescence, but by the positive enactment of a new law. I allude, my lords, to the act of the 48th of the king, cap. 58, to which the law officers refer as putting the power of the judges, to commit or hold to bail for libel, out of all doubt, and which was proposed to parliament by sir Vicary Gibbs, then attorney-general, and now chief justice of the Common Pleas. Whether the true construction of this act be, as some have supposed, to give the power of commitment, and holding to bail to the judges of the King's-bench, before indictment found or information filed, in consequence of evidence upon oath of the commission of an offence liable to be so proceeded against; or whether, as I contend, it only gives that power, after an information has been actually filed; in either case, it could not have been required, had this power been at that time considered to be so established by practice as to have acquired the force of law. It is clear then, that, in 1808, neither the attorney-general, who brought in the bill, nor the two Houses who passed it, could have contemplated the existence of such a power; for, if it had been possessed by the justices of peace, it is unnecessary for me to contend, that it must also have been vested in the court of King's-bench. Yet this law was much debated in its progress. The learned lords, now present, supported its expediency; and I will not pay them so bad a compliment as to suppose, that an act, which they defended with so much zeal, could be altogether superfluous and unnecessary.

We have, then, my lords, I contend, a degree of cumulative proof, such as is perhaps to be found in no other instance, against the practice which may be alleged as the foundation of the power, to commit or hold to bail, for libel, by justices of the peace: and if I have proved, that neither the statute law, nor the common law, nor any practice, supported upon a solemn hearing by the decisions of the courts, sanction the exercise of this authority; that no authority of any text writer, fairly considered, no dictum of any judge, can be produced in support of it; I feel some confidence in urging your lordships to the conclusion, to which I have now brought my argument on this part of the question, that the opinion of the law officers of the Crown is not warranted by the law of the land.

It remains for me to consider the conduct of the secretary of state, in issuing the Circular Letter of the 27th of March to the lords lieutenants of counties, for the direction of the magistrates in the administration of the law. This appears to me, my lords, a matter involving considerations of the first constitutional importance. I have before stated, that I believe such a proceeding to be without a precedent. I at least have not been able to learn, that any measure of a similar character was ever before hazarded by any minister of the Crown. For, my lords, you will observe, that this is not an instruction to the magistrates as to any of their ministerial duties, or the measures necessary to the support of an active and vigilant police, with respect to which, the secretary of state might be supposed to be charged with a peculiar responsibility, in a season of great public distress and uneasiness. It is not even prudently confined, to a general exhortation to them to exert the powers entrusted to them by the law for the speedy suppression and punishment of such offences as might be dangerous to the public security. For an order from the secretary of state to the chancellor, to give general directions to the judges, and through them to the justices of the peace, with respect to such matters as seemed to require attention, I understand examples in former times may be produced. But surely, my lords, such examples cannot be argued as affording any precedent for a proceeding like the present. To say nothing of the striking difference of such a recommendation through the chancellor the first officer of the law, and the judges of the land, to be delivered solemnly in the face of the public at the assizes; the strong and marked distinction is, that these recommendations, as I understand them, were *general.* But here, my lords, we have a specific instruction, as to the interpretation of the law on a particular subject; and a direction, as to the manner in which the discretionary power supposed to be vested in the magistrates under that interpretation of the law, should be exercised: and this too on a doubtful point. That he thought it a doubtful point, must be admitted by the secretary of state, or else why did he require the opinion of the law officers of the Crown upon it? That it was considered, even by these learned persons themselves, as not free from doubt, appears from the terms in which their opinion is given. They cite precedents, and state that they agree with the opinion of the attorney-general, by whose advice those precedents were established; but they do not venture to say, that the proposition to which they subscribe has been generally received as acknowledged law, or established by a clear and undisputed practice. And, my lords, if this was a point involved in doubt, by what authority did the noble secretary take upon himself to decide it? Who gave him the right to determine? Who applied to him to do so? And where, I again ask, did he find any precedent for such a proceeding in the execution of his official duties?

It is, my lords, amongst the first principles of a free government, that there should be an insurmountable line of separation between the executive and the judicial authorities. That the latter should be kept independent of the former? and hitherto any interference of a minister of the Crown with the administration of justice has been considered as a political offence of so dangerous a tendency to the liberty and security of the subject, that, in other times, it would have called down the indignation of parliament on the head of the offender. I say, my lords, this has been such an interference—a direct interference, not with the ministerial but the judicial duties of the magistrates; by instructing them in what manner they are to administer the law with respect to a particular class of offences; the consequence of which is, to subject to the power of arrest and of imprisonment, if bail cannot be obtained, every author, printer, and publisher, nay perhaps every possessor of any writing, which in their judgment they may deem a libel.

Suppose, my lords, such an instruction had been addressed, not to justices of the peace, but to the judges of the land. Is such a supposition impossible? The opinion states the powers of the judges as well as the justices, and might be intended perhaps to teach them also their duties. But such a supposition is not to be treated seriously. Such an interference with the judges, on the part of a minister of the Crown, would not have been tolerated. The nation would have been in a flame. All the power and indignation of parliament would have been roused. The judge, to whom so insulting a mandate should have been addressed, would himself have vindicated his authority; and the messenger, who had ventured to become the bearer of it, would have been committed to prison. I verily believe, my lords, that all this would have happened. Yet, where is the difference in principle? I maintain, that there is none. Let the case be stated. The instruction to the magistrates is, to act upon the opinion given by the law officers of the Crown, in favour of their authority, to commit, or hold to bail, for libel. This, I suppose, will be justified upon the necessity of the case, in order to correct an evil, which is dangerous to the public security. But this exercise of authority, on the part of the magistrates, can be of no avail, unless its legality is supported by the courts of law. A person committed for libel may sue out his Habeas Corpus, and appeal to the decision of of a court of law upon the validity of the warrant under which he is imprisoned. The court, if it should be of opinion, that the warrant was not lawful, would order his discharge; and thus all the provident care of the secretary of state, to secure the government against the attacks of a licentious press, would be defeated. Suppose, then, that to obviate so great a misfortune, he had addressed a similar instruction to the judges, stating the direction that had been sent to the inferior magistrates, and calling upon them to give it efficacy, by acting upon the opinion of the law officers of the Crown, in any case of this sort, that might be brought before them. The supposition is extravagant, absurd, impossible: be it so. But I say it is precisely the same in principle: and I defy any man to show me a jot of distinction between the two cases; or, that such an interference with the judges, which all who hear me will reprobate, is either more improper or more unconstitutional than that which has actually taken place.

I contend, therefore, that such a direction to the magistrates, not being a general exhortation to vigilance and care, but a specific instruction as to the way in which they are to construe the law, and to exercise a discretionary power, would have been, even if the law had been clear and undisputed, a high offence against the constitution. That this has been done in a case, in which, to say the least of it, the law is doubtful, is a great aggravation of the offence. For the noble secretary of state has taken upon himself not only to direct the magistrates in the administration of the law, but to enact, or at least to declare the law, which they are called upon to administer; thus *accroaching* more than royal authority, and usurping the powers of legislature in addition to those of the executive government.

The character of this proceeding, therefore, I hold to be most unconstitutional; on its dangerous tendency, and the effects it is likely to produce, already exemplified in two striking instances, I must also trouble your lordships with some observations; though much, of what would apply to this view of the question, has been anticipated in the earlier part of my speech. I have stated to your lordships, in showing the extreme consequences to which the establishment of the authority of justices of the peace, to commit, or hold to bail, for all offences cognizable at their sessions, must necessarily lead, the danger of such an extension of their power: how much it would be exposed to temptations to abuse; how liable to be perverted by the inducements of interest, the intemperance of zeal, the errors of prejudice, the excitements of political hostility, and the instigations of private enmity and resentment! These dangers, my lords, would accrue, even if the magistrates were left to the uninfluenced exercise of such a power. But when they are called upon specially to exert it, in a time of political heat and violence, by a minister of the Crown; when this call is addressed to persons, who are engaged in all the disputes and contests to which the different parties in the state gave occasion; when the subject, on which they are to decide, is one which they will necessarily view through the medium of their different opinions and attachments; thus encouraged, exhorted, and instigated to act, under the influence of motives so powerful, in questions so much exposed to error, even when most dispassionately considered, what security, I ask, can there be for any man, who engages in the discussion of public affairs, against the persecutions of power, or the vexations of private malice? To suppose, that, in such a state of things the freedom of the press can long continue, seems to me to be cherishing a hope much more sanguine than can be justified by any knowledge we have obtained, either from the history of other governments, or from our experience in human affairs.

But, my lords, it is not only this enormous power of the magistrates that is thus let loose against the freedom of the press, and the security of the subject, but, that most pestilent curse by which society can be afflicted, the whole tribe of common informers, are also called into action. To these a new encouragement and invitation is held out; any thing they may choose to call a libel may henceforth be made the subject of a prosecution, and thus become, in the hands of the worst men, acting from the worst motives, an instrument of pecuniary extortion, or any other base purpose, they may have to serve. On the danger arising from hence to individuals, it is not necessary for me to say more; but let me intreat your lordships to consider the possible, if not the too probable injury to the interests of the state itself; if indeed the interests of the state can, on any sound principle, be considered separately from the general security of those who are entitled to its protection.

Hitherto, my lords, prosecutions for libels on the government or religion, have only been directed by the attorney-general and the responsible officers of the Crown. In some cases the legislature itself has acted upon this principle: more especially in the stamp duties: with respect to which, as your lordships know, the right of instituting prosecutions for penalties has, by the 44th of the king, been expressly limited to the attorney-general, the lord advocate of Scotland, or the solicitor or some other officer of the stamps. In this there has been evinced, in my opinion, a wise and wholesome caution, to guard, not only individuals, but the state itself, against the effects of vexatious and ill-advised prosecutions. For I would ask the noble and learned lord on the woolsack, whether, in the discharge of his duty as attorney-general, when he filled that office, he has not often found the expediency, of instituting a prosecution for libel, a question of exceedingly nice discretion? It is not only the political malignity and dangerous character of a libel, but the circumstances of its circulation, and the probability of suppressing it by a conviction, that must also be taken into consideration. Hitherto, therefore, this discretion has been confined to the responsible advisers and officers of the Crown, for the security of its interests, which might otherwise be lightly compromised, and perhaps materially injured. But now all this salutary restraint and caution is at an end. Every thing that malice may represent as a libel, or indiscretion deem so, is to be forced into notice by any common informer. Upon an information so laid, every person, who has been engaged in writing, printing, or in *any way* publishing a paper of this description, may be dragged before a magistrate as a public criminal, and exposed, in the first instance, to all the horrors of a prison, and the state itself to all the inconveniences (and in many cases they may be of no light consequence) of an ill-advised, and, ultimately perhaps, an unsuccessful prosecution.

This consideration therefore, as it affects the interests of the government itself, is of too much importance to be overlooked, though undoubtedly of very inferior moment to the danger to which every individual is exposed, who may venture to publish, on religion or politics, opinions differing from the prevailing tenets either of the church or state.

I have said, my lords, that this danger has already been exemplified in two striking instances. I allude to the case, which occurred at Liverpool, of an information against a Mr. Wright, for preaching a blasphemous sermon; and to a case reported by the newspapers, from which my information is derived, to have been brought a few days ago before the court of King's-bench.

In the first, an information was laid against a Mr. Wright for denying the divinity of Jesus Christ: a doctrine, which, however erroneous it may be deemed by us, who are members of the church of England, is maintained by many persons who believe, as firmly as we do, in the christian dispensation; by the whole class of Unitarian christians, amongst whom are to be found many persons of as exemplary life and morals, and of as strict an adherence to religious duties, as in any other persuasion whatever; a doctrine however, which, whether true or false, has lately by an act of parliament, dictated by the soundest wisdom and justice, been exempted from the penalties to which it was formerly exposed by law. This, therefore, was no crime; and it was found necessary, to give effect to the information, by some more serious charge: and it was asserted, that the preacher had not only impugned the Trinity, and the divinity of Christ, but that he had denied the immortality of the soul, and the belief of reward or punishment in a future state. This was stated by a reverend prelate, the bishop of the diocese in which this proceeding took place, to have been the charge upon which Mr. Wright had been brought before a magistrate at Liverpool, and held to bail for his appearance to answer it. Now, my lords, there cannot be produced a more pregnant instance than this, to show the danger of inviting rash, or interested, or malevolent persons, to bring forward accusations of this nature; and leaving them to be decided on, in the first instance, with the power of committing the party accused to prison, by persons so likely, from the circumstances in which they are placed, to form an erroneous judgment. I have read the sermon, my lords—Mr. Wright, I maintain, had published no blasphemy; had said nothing which by law he may not say with impunity; had not denied a future state of reward or punishment; but simply maintained, that there is no separate or intermediate state of the soul; professing as his religious belief, that the soul expires and is revived with the body, on that day of final account, when we shall all be called upon to answer for our conduct in this life. This, my lords, I say again, may be a belief in which we may not concur, but it is neither impious nor blasphemous. It was the belief of Dr. Priestley, who, whatever the errors of his political or religious opinions might be, was, I believe, a man of as exemplary worth and morals as ever lived. It is the belief, not only of many persons belonging to the sect of Unitarian christians, but even of members of the church of England itself, and has been, as the reverend prelate well knows, explained and defended by a learned bishop,* to whom he will be the last man to deny the tribute of esteem and veneration, due to a life of distinguished piety and virtue. Here then, my lords, we have an example, directly in point, of the danger of an accusation, to describe it in the mildest terms, hastily laid, and incautiously decided upon, whereby a respectable man, for preaching a belief which he conscientiously held, and which is perfectly innocent in itself, has been dragged before the public as a criminal guilty of blasphemy; and would have been committed to prison, if he had not been in a situation of life which enabled him to procure bail.

---

* The late rev. Dr. Law, Bishop of Carlisle.

The other case, my lords, is of another description; but it exhibits, in a point of view no less striking, the evil consequences to which this proceeding of the secretary of state might, *à priori*, have been expected to give occasion. A magistrate of the name of Powel had brought before him, upon the accusation of an informer, two persons charged with vending pamphlets, and I believe some other articles, contrary to the provisions of the act respecting hawkers and pedlars; which has also been recommended to the peculiar care of the magistrates, by the noble secretary of state. These persons in vain pleaded, that they had sold their goods on the market day, in open market; that there was a clause of exception in the act, which enabled them to do so; and that they were, therefore, exempted from its penalties. "No," says the magistrate "there is since my lord Sidmouth's Circular, an end of that exception; such publications can no longer be sold at all without a licence;" and he accordingly convicted them, committed them to prison, and issued a warrant to levy the penalties by distress. All this, however, had been done to extort evidence, as it appears, from these men, against a third person, from whom they had received the publications, which they had offered for sale; and having at last succeeded in this the magistrate, again exceeding his power, discharged them from the conviction which had taken place, and proceeded, in a manner no less violent and illegal, to convict the person against whom evidence had thus been extorted, in penalties to the amount of 80*l.*, for which he immediately issued his warrant of distress; and this though it was represented to him, that the person accused had not had time given him to appear in his own defence, and that the magistrate, under the law for recovering penalties for the stamp duties, had no jurisdiction in the case.

This, my lords, is the case, as it has appeared in the newspapers. I trust it may, upon farther hearing, be found to admit of some contradiction or explanation; but it appeared of sufficient weight to the court, to induce them to grant a rule to show cause why a criminal information should not be filed: and, if the facts stated be true, there cannot be exhibited a stronger instance of the imprudence and danger of calling into action all the intemperate zeal and violence by which magistrates may be influenced in a moment like the present.

These cases, my lords, and others, to which I will not now refer more particularly, in granting licences for meetings for the discussion of various subjects, have already occurred in consequence of the Circular Letter of the secretary of state, and are to be ascribed directly to it. How many more there may be of a similar nature I know not; but of this we may be assured, that more instances like these will occur, if they are not checked by the seasonable interference of parliament. Proceedings so injurious to the character of the government, so destructive of the spirit of the constitution, and of the free exercise of those privileges which it confers, more particularly of the freedom of the press, I will not dwell upon any longer; but the consequences of the establishment of such a power are so accurately described, in a protest entered upon the Journals of this House,* that I cannot help reading it, as the best summing up that I can make of the dangerous character and injurious effects of the measure, which the noble secretary has been induced to take.

"By this doctrine, every man's liberty, privileged as well as unprivileged, is surrendered into the hands of a secretary of state. He is by this means empowered, in the first instance to pronounce the paper to be a seditious libel; a matter of such difficulty, that some have pretended it is too high to be entrusted to a special jury of the first rank and condition. He is to understand, and decide by himself, the meaning of every innuendo. He is to determine the tendency thereof, and brand it with his own epithets. He is to adjudge the party guilty, and make him author or publisher, as he sees good. And lastly, he is to give sentence by committing the party. All these authorities are given to one single magistrate, unassisted by counsel, evidence, or jury, in a case where the law says no action will lie against him, because he acts in the capacity of a judge."

---

* November 29, 1763. See New Parl. Hist. Vol. 15, p. 1371.

This protest, my lords, appears, in your Journals, to have been entered upon the resolution, which, in consequence of the decision of the court of Common Pleas in the case of Mr. Wilkes, had been voted by this and the other House of Parliament, "That privilege of parliament does not extend to the case of writing and publishing seditious libels," &c. It is signed by seventeen peers, at the head of which stands the name of Earl Temple. The danger attending the exercise of such a power, even by the secretary of state, is here most eloquently and unanswerably stated: but if it could have been foreseen, that the same power was to be given to every justice of the peace; and that not to the secretary of state alone, but to every inferior magistrate throughout the kingdom, "every man's liberty, privileged as well as unprivileged, was to be surrendered," in how much more forcible and glowing terms, if more forcible and glowing terms could have been found, would they have described such an extension of an authority, absolutely incompatible with the principles of a free constitution.

I have now, my lords, brought to a conclusion this long argument upon a case, which seems to me, as much as any that have ever occurred within my memory, to call for the prompt and effectual interference of parliament. If it should still be contended, in opposition to all that I have stated, that the protection of the state, against the machinations of sedition or treason, requires the existence of such a power; my answer is, that, in the best periods of our history, when the practice of the constitution was the purest; nay, in times when the state has been exposed to the greatest difficulties both from within and from without; it has been protected against all the dangers that assailed it, by the native energies of its government, and by the spirit and attachment of a free people. But this authority is now acknowledged to be established in the secretary of state; and with the tremendous power of the attorney-general in filing *ex officio* informations, and in keeping them suspended over the heads of his victims (powers at which guilt may well tremble, and from which even innocence cannot escape without severe suffering), I ask of your lordships whether any reasonable apprehension is to be entertained of a deficiency of means in the government to repel the immediate dangers, which may arise from inflammatory libels, in a moment of popular uneasiness; or to defeat any more gradual and insidious attempts to corrupt the morals, or alienate the affections of the people?

Upon the whole, then, my lords, whatever view I take of this question, whether as it regards the law, the principles of the constitution, the character of the offence, or the security of the state, I come to the same conclusion; that it is unnecessary, that it is inexpedient, that it is dangerous in the highest degree to give, in the proceedings against libel, so extraordinary a power, hitherto unknown in practice, to be exercised indiscriminately by all justices of the peace throughout the kingdom. In the investigation of this subject, I can assure your lordships, that I have spared no pains before I ventured to pronounce so strong an opinion. I have had recourse to all the best sources of information within my reach, both of dead and living authority; and, after a careful and diligent inquiry, I present myself to you this night, with the strongest conviction of the soundness of the principles which I have asserted. Had I consulted my personal ease, indeed, and considered only the ungrateful character of the task I have thus imposed upon myself, knowing how little my opposition to any measure of the ministers of the Crown is likely to avail I should have remained silent. But I could not sit still and see so dangerous a blow aimed at the freedom of the press and the principles of the constitution, without employing such means as are in my power, however hopeless of success, to avert it.

If any thing, my lords, could add to the importance of the question itself, it would be to be found in the character of the times, and in the situation of the country. We have been induced, in concurrence with the other branches of the legislature, to suspend, with respect to political offences, the operation of a law, which forms the chief bulwark of the constitution. We have also passed other laws, materially abridging and restraining the facility of petitioning, and the privileges of free discussion. Even those, who are the most impressed with the necessity of making these new provisions for the security of the government, by the extension of its powers, will, I am sure, admit, that it is an evil much and deeply to be lamented. But, my lords, if new laws of this description are to be enacted —if, when enacted, they are to be construed to the utmost strictness of their letter, and executed with the most unrelenting severity; and if, at the same time, interpretations of the old law are to be adopted, and a new practice introduced, still farther controlling popular rights and privileges, and rendering their exercise difficult and dangerous, what, I ask, is to be the end? More especially, if this spirit in our legislation is accompanied with other circumstances, operating directly and powerfully in the same direction—if a great change has taken place in our principles, in our policy, in our tastes, in our habits, and in our manners—if we are become a military and a warlike, from a maritime and pacific people—if, whilst we are increasing the civil powers of the Crown by law, we are also maintaining an army disproportioned to our population, incompatible with an effective support of our naval superiority, and destructive of the character of a free government—what, my lords, must be the inevitable tendency of such a system? Its termination cannot be doubtful: one of two things must unavoidably happen; either that this free constitution, the glorious work of a thousand years, must, though its forms may still survive, decline, by no slow degrees, into a military despotism; or that—I will not describe the alternative; but it would be scarcely less dreadful.

To avert such extremities will require the utmost care, the utmost vigilance, the utmost wisdom of parliament. The people have borne, with a most exemplary patience, sufferings which I wish I could feel the confidence, which some express, in believing to be merely temporary. To what farther privations we may be called upon to submit I know not; but every thing I hear and see forbids me to speak of our present prospects as encouraging. With a declining revenue, we labour under the pressure of a taxation which I hold it to be impossible to increase; but any effectual and early relief from which I fear is difficult. Our best hope of surmounting the evils which surround us must be found in the patience and fortitude of the people, supported and strengthened by a high-minded consciousness of their rights as freemen. Beware, my lords, how you weaken in them this sentiment, the true source of your security and power; how you deprive them of the confidence, so necessary to be cherished and improved, that by parliament, whose peculiar duty it is to protect them, their interests will not be neglected.

It is, my lords, by the irresistible impression of these feelings, and by a sense of duty superior to all other considerations, that I have felt myself impelled to bring this matter before you. Your acquiescence in the motion, which I am about to propose, will pledge you to nothing beyond a farther and more mature consideration of a most important constitutional question; and, if I did not fear being taxed with presumption, I would ask whether to this extent at least, I have not made out a case, which your lordships ought not at once to dismiss as altogether unworthy of your attention? That no adverse feelings may influence your decision, I have abstained, as much as possible, from the introduction of any topics that might excite them. It has been my endeavour to keep out of view all subjects connected with the interests and opinions of party; and if, inadvertently, any thing tending that way should have escaped me, I intreat your lordships to consider it as unsaid, and to banish it from your recollection. I have had no object, and no desire, but to pursue this question, in the sincere spirit of truth, to a just and legitimate conclusion. My wish is, that your lordships should consider it as having been brought before you in the exercise of your judicial rather than your political functions; as requiring the same dispassionate attention, the same grave deliberation and inquiry, the same disinterested and impartial decision. You are indeed sitting in judgment on the rights and liberties of your fellow subjects; and I earnestly pray, that they may sustain no farther injury from the proceeding of this night. I move, my lords,

"That the Case submitted to the law officers of the Crown, &c. be laid before this House."

Lord *Ellenborough* said, he had listened with the utmost attention to the very able and elaborate speech of the noble earl—a speech which evidently demonstrated that the noble earl had bestowed great pains in considering this important question in all its bearings, and certainly he had argued it in a manner that reflected the highest honour upon him. He was by no means convinced, however, from any of the authorities which the noble earl had cited, or by any of the arguments which he had grounded upon them, that the law was different from what he had always considered it to be; namely, that justices of the peace can arrest and hold to bail in cases of libel. In offering his opinion to their lordships on this great constitutional question, he would follow the example of the noble earl, in calling to his support some of the gravest and most venerable authorities that had ever adorned the seat of justice, or discharged the duties which every man owed to his profession, by publishing the result of his laborious researches, and most mature and unbiassed opinions. In the first place, then, lord Hale, in his very excellent work, intituled Pleas of the Crown, declares, "that justices of the peace may issue their warrants, within the precincts of their commission, for apprehending persons charged with crimes within the cognizance of the sessions of the peace, and bind them over to appear at the sessions."* Their lordships would be pleased to attend to these words—"within the cognizance of the sessions of the peace." The question was, then, does a libel come within the cognizance of the sessions of the peace? It would be endless to enumerate all the authorities that might be cited, in order to show the extensive jurisdiction that was given to magistrates, as conservators of the peace; but several of those authorities specifically mentioned a libel as within their cognizance. The doctrine, therefore, of lord Hale attached upon it, as coming within those cases in which they have power to commit.—He should next refer to the very same authority quoted by the noble earl. It would be found by a reference to Hawkins' Pleas of the Crown, that "any justice of the peace may commit in cases of treason, felony, or præmunire, or any other offence against the peace;"† although in another place, as the noble earl justly observes, he states, that "a justice of the peace cannot well be too tender in his proceedings of this kind;" which words, however, expressly showed, that they could hold to bail for a libel, as a high misdemeanor, whatever tenderness the learned writer recommended them to adopt in such cases. The fact really was, and so it had been uniformly considered, that libel was an indictable offence at the quarter sessions, and magistrates had always exercised the practice of commitment in such cases. The noble earl had relied on a great authority, and great it undoubtedly was, though he was by no means prepared to rely on all the opinions of that very distinguished character, the late lord Camden. But what had that eminent lawyer said with respect to libels? He had been made to declare, that as to the offence of a libel, it was a high misdemeanor; and if so, should not the party be bound over to answer for it? And what could be more just, or necessary? My lords, suppose for a moment, that you should stand upon so miserable and decrepid a state, that publications of a most inflammatory nature are scattered over every part of the country, and you have no power to call the mischievous authors to immediate account: suppose that, in this season of imminent danger to the morals and loyalty of the people, it happens to be the long vacation, and that no proceedings can be had in the court of King's-bench, or at the quarter sessions of the peace,—would not this be a perfect suspension of all energetic faculties on the part of the state? If this were, indeed, the law and practice of the country, your lordships would not be justified in adjourning, even for a day, without passing some law on this subject to protect both the government and the people against the dangerous and wicked attacks of seditious libellers. Nothing, however, is more common; and I need only appeal to those who know any thing of the practice of the court of King's-bench, that, on the last day of term, motions are constantly made, that persons may be continued on their recognizances, many of which are given for libels. The noble earl seemed to think that recognizances never attracted the attention of the court; but this was not correct. In the case of Hogg, the defendant was personally to appear in the court of King's-bench on a certain day, then and there to answer to all such matters and things as should be brought against him, and so on from day to day; so that he was from day to day considered in attendance. At the period of the Revolution, when, no doubt, the noble earl and all their lordships must admit that liberty was established in this country on a more sure and solid foundation than had been known for centuries before; at that auspicious moment he declared, that sureties for the peace were given in cases of libel. He had then in his hand a list of a series of recognizances that had been entered into during the office of every attorney-general from the reign of William and Mary to the present reign. [Here earl Grey asked across the table, "Before indictment found or information filed?"] Yes, said lord Ellenborough, before indictment found or information filed. He would mention the names of some of the most eminent persons who had filled the office of attorney-general during that period. They were Northey, Lechmere, Raymond, sir Dudley Ryder; but, in fact, the practice was followed in the time of every attorney-general down to the present year. Could any body say, then, that this practice was not founded on law? Would any body state, that it had been only introduced in very recent times by attorney-generals, who were hostile to the liberties of the people? My lord Camden said in his speeches, two or three times, that a libel was a high offence; and he never said that it was such an offence as a party might not be answerable for. For his own part, he had not the smallest doubt, nor had he ever heard any thing suggested by any person of the least authority, during the whole course of his practice at the bar, or since he had had the honour of a seat on the bench, that the authority of a magistrate to hold to bail did not extend to cases of libel. If the authority of Hale, of Hawkins, of Camden, and of Coke were to be relied on, they all spoke expressly and explicitly on the subject; and if the practice from the revolution down to the present day were not sufficient to establish this point, there could be no safe guide for any man in the exercise of his judicial or legal duties. He wished no person to be screened from delinquency, neither did he desire (God forbid!) that any one should be improperly harassed or teased; but, upon the fullest consideration of the subject—and he begged to assure their lordships that he had paid the utmost attention to it—he was decidedly of opinion, that justices of the peace had power to hold to bail in cases of libel.

---

* 1 Hale's Pleas of the Crown, 579.

† 2 Hawkins' Pleas of the Crown, 84.

Lord *Erskine* said, that in looking into his own mind, he could be quite sure his understanding was not betrayed by his wishes on the subject before the House. For the noble secretary of state he had a high personal regard, and the two gentlemen from whose opinions he had collected the law which was the foundation of his letter, had been his companions and friends from the beginning of his professional life—one of them being now called to the bench could no longer be consulted; and although upon the present occasion he differed from the other, yet he was happy to say that the Crown could not in general have a safer adviser, as he was a sound lawyer, and a truly honest man; but none of these considerations could give even the slightest bias to his conduct to-night, when the public interests were in question. No one in the world could feel a greater abhorrence of the blasphemous publications which were principally pointed at by the letter. He had fully proved that disposition when he advised the prosecution of Paine's Age of Reason, and afterwards convicted the publisher in the court of King's-bench. At that early period of the French revolution, when religion and order being trampled under foot, infidelity and anarchy walked hand in hand together, this country was in a manner overwhelmed with blasphemous and seditious publications. The Old Bailey and other courts had hardly time to try them, and he desired to remind his majesty's ministers that their universal existence and extensive circulation were the only foundations of the special commissions under which the state prisoners in 1794 were charged with a traitorous conspiracy to assume all the functions of government, and to overthrow it by rebellious force. At the same period, and upon the same assumption, the Habeas Corpus was suspended, yet not one warrant, that he at least remembered, or ever heard of, was even then issued by any of the magistrates throughout the country, to hold to bail the most open and boastful libellers, until after indictments had been found against them. At the same period still, and during a long time afterwards, he had himself been counsel to a Society for the Suppression of Vice; the object of which was to drive out of the reach of youth and innocence publications of a far more dangerous and corrupting character; and he could assure their lordships, that if he had then thought the law authorized the arrest of their authors or publishers, he most unquestionably would have advised and acted upon it, because it was in general so difficult to secure them, that recourse was often had to the disguise of purchasers; their shops being seldom open to ordinary traffic. He had convicted many of such offenders, but in no one instance that he could remember had ever directed an arrest until after an indictment found; although libels of that description required no legal knowledge to ascertain their pernicious effects. He admitted that escapes from justice might occasionally be the consequence of that cautious reserve in striking at offenders, but far more dangerous evils would universally follow, if they could be struck at without the clearest authority of the common law, or the positive direction of statutes. At that entrance an assault might be made upon all the securities which are the characteristics of our constitution.—Lord E. then said, that he had prepared himself to enter fully upon the legal argument, but it would now be pedantry to do so, as the most able and convincing speech of his noble friend behind him had received no answer. No man could have a higher respect for the talents and learning of his noble friend at the head of the court of King's-bench, where he had long presided with so much advantage to the public; but his noble friend had rested his opposition to the doctrines of earl Grey, upon his own great authority only; he had not entered into argument by way of answer to it, nor cited any authorities except a few arrests in London by attorney-general, in very modern times, on the validity of which the court had never pronounced any opinion, nor had its attention been called to the subject; and if those few instances had been known and considered as the understood and settled law, how was it possible that so learned a person in the House of Commons should have brought in the 48th of the king, which gave to the judges of the court of King's-bench, and to them only, and not even to them till after information filed, a power of arrest which notoriously belonged before to every magistrate in England. When that enabling bill for such judges only came up here, it was opposed and debated; it is true that the noble chief justice did then say, as to-night, that it was an unnecessary statute, but no authorities (as I remember) were then cited; and I can most positively assure the House that my own opposition to it rested upon my believing it to be a power quite new;—and I can further safely say, that during the whole time I practised at the bar, I never had the least idea that it was competent to a common justice of the peace to arrest before indictment for a libel. With regard to the more ancient law, I shall leave it altogether upon the unanswerable argument of my noble friend, and shall only say that it appears to me, lord Hale, in the cases mentioned, was speaking only of felonies, which could not comprehend libels, and that until long after his time the courts of quarter sessions could not at least have been in the practice of holding jurisdiction over them, because, even in Pitt's case, as stated in Hawkins' Pleas of the Crown, which was many years after the death of lord Hale, a motion was made in the court of King's-bench to quash an indictment for a libel, upon the sole ground that it was found only at sessions. —Lord E. said, he would not lead the House into technical reasoning, but he might ask any lawyer, whether, if the jurisdiction of the sessions over libels had ever at that time been settled, such a motion would probably have been made, or if made, could possibly have drawn such an answer from so high and so learned a court;—would any court, indeed, have talked of a demurrer upon a question of notorious jurisdiction?—Lord E. now said he would detain the House no longer, but he prayed them to remember that the libel act was a dead letter, if this was held to be law, and that there was an end to the liberty of the press if any common justice of the peace might overhaul collections of books in any shop or library throughout the kingdom, and upon his own authority pronounce the sellers or possessors to be criminal, and send them by his warrants to prison. He believed such a power never existed, nor if it did, could long continue.

The *Lord Chancellor* observed, that after hearing the most able speech of the noble mover, he had no difficulty in declaring, that the noble earl had argued the case with such ability as held him in some degree of check, while, at the same time, he said that he could not agree with him. In delivering his own opinion on this great question, he desired to enter his most solemn protest against being bound to hold to that opinion, except for that night. His reason for saying this was, that many of the subjects of this country had been held to bail for libels; and if they had been unjustly arrested, they might bring their actions against the individuals who had so held them to bail; and, therefore, he could not think it would be fit for any noble lord in that House to suppose, that any opinion he (lord Eldon) might give that night should conclude him, if he heard any parties argue at that bar, on a writ of error, that they ought not to have been so held to bail. He had been upwards of forty years in the profession, and it was his duty to give his opinion; but if it was an erroneous opinion, he was bound to retract it. The present motion went to the production of the case submitted to the law officers of the Crown, on which he should say only a very few words, not out of disrespect to the noble earl, but because it would not be necessary, in his view of the subject, to detain their lordships long on that head. Nothing would have induced him to give his consent to the production of the opinion of the law-officers of the Crown, knowing the mischief that frequently attended the production of such documents, if the noble secretary of state had not made that opinion part of his letter. The opinions stated three propositions: that the secretary of state may commit, that a justice of the peace may commit, and that a judge generally may commit; by which must be understood the judges who are mentioned in the 48th Geo. 3d. With respect to the present attorney-general, the noble earl had not spoken half enough of him; he could not, indeed, say too much in his praise, for a more able man did not exist. His objection, however, to produce the case was this; that it was hardly possible, on any such occasion, that some particulars should not be stated by the ministers of the Crown which it would be highly improper and inconvenient to disclose. In the year 1794 a proclamation was issued, requiring the magistrates to take notice of the numerous libellous publications which were industriously circulated at that period. He had never felt any difficulty in stating the principles upon which his conduct, as attorney-general, had been founded. It never had been his disposition to regard the case of an ordinary libel on the government of the country with any peculiar jealousy or vigilance: but when he saw that a system existed, the object of which was, by means of these libellous publications, to overthrow the government, he was satisfied that it was an evil which required to be suppressed with a strong hand. This was the state of things in the years 1793 and 1794. A design was pursued of subverting all the constituted authorities and establishments, civil and ecclesiastical, and of destroying those morals without which there could be neither social happiness nor political security. It had been decided, again and again, that a blasphemous publication was a seditious libel. Neither could he consider it extraordinary, that the opinions of the law-officers of the Crown had been referred to; and he would ask with the utmost amity and good humour, whether his noble friend who spoke last, would not feel his own opinion confirmed on any question by the concurrence of such eminent lawyers as sir Samuel Romilly and sir Arthur Piggot? He must however again protest, that he would not be concluded by the legal doctrine which he maintained that night, if any subject of his majesty should think proper to discuss the point at the bar of that House in a writ of error. He only stated the present impressions of his mind on this occasion; he had spent the greater portion of his life in a court of equity, and was, therefore, but partially conversant with criminal matters. When he found, however, that Mr. Northey, lord Hardwicke, Mr. Justice Willes, sir Dudley Ryder, and lord Mansfield, had all, in the office of attorney-general, proceeded upon these warrants, and had sanctioned similar proceedings afterwards in their judicial characters in the court of King's-bench, the presumption, at least, must be, that such a practice was perfectly legal. The power was vested, not to be exercised for the oppression, but for the protection of society. The authority of Hale and Hawkins was, he should contend, in favour of the existence of the power, although some passages might be cited from which it might be possible to draw a contrary inference. The authority of Mr. Justice Blackstone was appealed to, but it was not on all questions of legal difficulty that noble lords were content to abide by the doctrines maintained in his work. That work reflected infinite credit on its author, but it was estimable as an exhibition of diligence rather than as a great law authority. Upon the subject of what the practice had been, he found that in Trinity term, in the third year of George 1st, the recognizance of Thomas Kinnersley, who was held to bail by a magistrate on a charge of libel, had been returned into the court of King's-bench, and a criminal information was filed against him. In the next year a similar proceeding took place against a person named Vaughan, who was prosecuted for a blasphemous publication. In the 7th and 9th of George 1st, and in the 7th of George 2d, the like cases occurred. Under every attorney-general who had held the office, persons had been arrested for this offence, not upon warrants to seize their papers, or to enter into recognizances for their good behaviour, but to give bail for answering the charge. When he heard the opinion of lord Camden cited, respectable as it was, it could not be supposed to outweigh that of all the other judges. He denied that there was any principle in the judgment in Wilkes's case, which contradicted the legality of the power now under consideration. Lord Camden felt himself bound by the precedent of the case of the Queen against Derby, and the King against Earbury, and argued, that if the secretary of state exercised such a power, it must *à fortiori* belong to a justice of the peace to compel the individual charged with an offence to be forthcoming to answer to the charge. They were not now discussing what the law ought to be, but what it actually was. He had taken a considerable share in certain transactions connected with these subjects; he was now in the decline of life, and he declared that he should feel deep regret in his retirement, if he could think that the measures which he had deemed it his duty to advise or support, had trenched upon the just liberties of the country: but, on the contrary, he believed sincerely that they had been essential to the preservation of a constitution, under which more practical liberty and happiness was enjoyed by the subject than any other under the canopy of heaven. He believed that they had been indispensable, with a view to perpetuate those blessings which there were not wanting some who had it in contemplation, and had vainly attempted, to wrest from us [Hear!].

Lord *Holland*, in endeavouring to follow the noble and learned lord, was desirous of stating at once the spirit and view which influenced him in supporting the motion of his noble friend. His immediate object was to obtain farther information on the subject. Those who thought that the opinions promulgated in the noble viscount's Circular Letter were sound law, and that circumstances were such as to call on the noble viscount to communicate them to the magistrates in so unusual a mode, and to take from them the discretion which in any state of the law was before vested in them, of enforcing and applying it, might conscientiously vote against the production of any additional documents; but those who, on the contrary, entertained strong doubts as to the legal doctrine, as well as to the expediency of promulgating it, must agree, that a farther inquiry was desirable. He could not be supposed to possess sufficient knowledge to engage in a legal argument with the noble and learned lords; but he did not deem it necessary to go very far into that question, after the uncontradicted and unanswered reasoning of his noble friend. He believed an abler legal argument never had been delivered either at the bar or from the bench. The noble and learned lord on the woolsack had read a list of distinguished names of attornies-general, who had exercised and sanctioned this power by their practice. It had never been asserted, that the single authority of lord Camden was to overbalance the unanimous opinions of other judges and law-officers, although it would undoubtedly bear a comparison with that of any other name, however distinguished: and his opinion given judicially from the bench, was, he conceived, of greater weight than the practice of all the attornies-general that ever lived. The principles of ship money and general warrants had been maintained by attornies-general, and it would be difficult to discover one practice, however pernicious in itself, or inconsistent with the liberties of the country, that had not been defended to the last by the law-officers of the Crown. It was not enough, therefore, on a disputed question of law, to adduce the opinions of the attorney and solicitor-general. Doubts of this nature could not be properly decided, except by a reference to the great text writers, or by distinct proof of long and established usage. He knew there was a disposition, both in and out of the House, to regard lord Camden as standing apart from all other judges; and to think, that as his noble descendant had, with singular disinterestedness, surrendered what had been bestowed on lord Camden as the reward of his public services, we might also safely surrender the principles and opinions which he had so ably and honourably maintained. In that elaborate judgment which he had pronounced after a solemn hearing in the well-known case which had been alluded to, it was distinctly laid down, that the power of a secretary of state and of a justice of the peace to hold to bail were not convertible terms. There had not been one decision in favour of the power to commit on a charge of libel by the conservators of the peace at the common law. If, then, a magistrate had such an authority at the present day, from whom did he derive it? He regarded justices of the peace as creatures of the statute law; and where was the statute which invested them with any power of this description? He might be told that this argument would prove too much, for that their power to commit on charges of felony, or breach of the peace, depended altogether upon usage: but it was too much to say, that the offence of libel could be included under those general denominations; nor were the same reasons applicable to the practice. In the former case it was uniform, constant, and uncontrolled. To the twenty or forty cases cited by the noble and learned lord, as decisive of the legal question, he would oppose the Circular Letter itself of the noble viscount, as ample proof of the uncertainty of the law; because, otherwise, such a letter would have been unnecessary. When the proclamation was issued in the year 1793 why had not this point been clearly explained? The mode, however, then adopted, of calling the attention of magistrates to the subject was much less objectionable in a constitutional view. He held the issuing of that letter to be itself a misdemeanor, for which, if it were not for his privilege, the noble lord might himself have been held to bail. The principle of the law was not that a single justice should exercise the same jurisdiction in all cases as the justices assembled in their sessions. Lord Hale's doubt on the question was founded upon the circumstance, that in practice a *capias* was not the first process, but a *venire facias* and *distringas*. In none of the cases allued to had the legal point been contended; and with respect to the argument of danger to the country from the non-existence of such an authority, did not the old constitutional proceeding by indictment furnish any security against the commission of offences? The practice of committing at all previous to indictment was not one of very great antiquity. He could conceive no mischief at the worst, except that a libeller might possibly remain at large for two or three months before trial: but let the House look at the consequences the other way, and reflect how long an innocent man might be detained in prison. In the north of England this might be for a period of ten months. The noble viscount had introduced French and foreign law into the country: he had taken away the discretion of the magistrate; and whilst Mr. sergeant Hawkins treated this power as one that ought to be tenderly used, the noble viscount was for extending its application to all cases in every part of the country. This was a case which demanded investigation; it was not only an unconstitutional proceeding in its remote tendencies, but was immediately calculated to disturb the harmony and endanger the security of the country. He had heard that one magistrate had already declared, that in case of his exceeding his authority, government would certainly indemnify him. All this imposed a grievous responsibility on the noble viscount which he hoped he would one day feel. Should the noble and learned chief justice of the King's-bench, when acting on his oath as a judge, correct the opinion which he had that day expressed, and government should be placed in the cruel dilemma of seeing magistrates, for having acted in obedience to their injunctions, incurring heavy penalties, and applying to them for indemnity, he could not imagine, if the noble viscount had the feelings of a man, a more painful and distressing situation, unless he should be disposed to go one step farther, and trample on all law and justice. He had occasionally approved of the noble viscount's measures when at the head of affairs in this country, although he thought his administration generally founded on a principle of intolerance. He had felt gratitude to him for the peace he had negociated, and for the good humour with which he had let down the harsh and domineering character assumed by the preceding government. The affairs of Europe were now, indeed greatly changed; but he trusted the noble viscount would not relinquish his other title to the esteem of the country, and to the approbation of posterity. He believed that a distrust and jealousy of the people was not natural to his temper, but he had of late assumed an attitude of menace, and done more to curtail the liberties of the country in the last three months, than he had done all his life before to defend them. Nothing could be more short-lived than a system of propagating false alarms, in order to undermine the securities of freedom. He thought the letter in question a strong evidence, and a serious part of that system; and must therefore, on these grounds, give his vote in support of the motion of his noble friend.

Lord *Sidmouth*, considering that the main object of the debate had been already obtained by the legal opinions which had been elicited, should think himself inexcusable were he to attempt to strengthen the arguments already adduced by the highest authorities, by any observations of his own. When he had the satisfaction of hearing it proclaimed in that House, that the measure which he had thought it his duty to adopt was conformable to the opinion of the highest legal authority in the country (the lord chancellor), and of the lord chief justice of the kingdom—when he found that it was conformable to the opinions of the greatest text-writers on the law, and also to the recorded practice of all the most eminent law servants of the Crown, both before and after they had attained the highest judicial situations—he felt it would be presumptuous in him to attempt to add any weight to this mass of dead and living authorities; but though he did not think it necessary to detain their lordships with any remarks on this point of discussion, yet there was another point on which he should think it a matter of great self-reproach, if he could not vindicate himself to their lordships. It seemed that he stood before their lordships charged with having used his best endeavours to stop the progress of blasphemy and sedition. To that charge he pleaded guilty; and while he lived he should be proud to have such a charge brought against him. In that report which was laid before the House at the beginning of the session, a report which had been attacked but not shaken, notice was taken of the unremitting activity which had been employed throughout the kingdom in circulating, to an unprecedented extent, at the lowest prices, or gratuitously, publications of the most seditious and inflammatory nature, marked with a peculiar character of irreligion and blasphemy; and tending not only to overturn the existing form of government and order of society, but to root out those principles upon which alone any government or any society can be supported. When he concurred in that statement, he knew it to be truth; but what he then knew, he had since seen confirmed with ten times the force. He knew that efforts unparalleled had been made to carry into every village and cottage in the manufacturing districts the poison of these seditious and blasphemous doctrines. He had himself seen the effects of these pernicious doctrines on some of these misguided men; and had heard from some of them, while under examination, the free confession, that it was the influence of this poison that had taken them away from their regular duties: that up to the time of their being assailed with these publications, they had been industrious and well-affected members of society; but that they and hundreds of their unfortunate neighbours, had been corrupted by the insidious principles disseminated by these itinerant hawkers of seditions and blasphemy. Never was there a period when blasphemy was so completely enlisted in the service of sedition. A greater number of persons could read now, than at any former period; they were better informed; they were collected more in large bodies, especially in manufacturing towns; there were also, he was sorry to say, more ale-houses. Besides, these publications were very cheap, almost gratuitous; and the seditious and blasphemous dealers in them were itinerant, in order to disseminate their mischievous wares more widely. Such being the case, the magistrates became alarmed, and applied to him for instructions. In consequence of such application, he asked the opinion of the law officers of the Crown, as to the best method of checking the progress of this dreadful evil. Perhaps, the noble earl would say that he ought not to have taken any such opinion; but the House would, he trusted, think differently. The noble earl would say, that the proceeding should have been by indictment; but let the House, before it sanctioned such a proposition, consider what the state of the country was, and still is. What had been the answer of some of these itinerant venders of poison, when they were told that their traffic was illegal? They said, "We know that we are acting illegally, but you cannot touch us till the quarter sessions." In the mean time they could go on in their shameful trade, adding offence to offence, and with increased momentum propagate the mischief up to the very moment of trial; and then, perhaps, abscond into another quarter. All this, however, he was aware, could not make that law which was not law before; but it showed the necessity of vigorous measures for protecting the public peace and safety. He was ready to avow all that he had done, and would take upon himself all responsibility for his acts, be the consequences what they might. He felt conscious that he had endeavoured to serve his country, and he was happy to know that his efforts had not been unsuccessful.

The Bishop of *Chester* said, he had never given any opinion as to the propriety or impropriety of the conduct of the magistrates towards Mr. Wright, but had merely related what he had heard—namely, that he had impugned a fundamental doctrine of christianity.*

Earl *Grey* begged leave to detain the House with a few observations. First, as to what had fallen from the rev. prelate, he had never stated the case otherwise than as it was now stated by him. He had merely drawn an argument from it as to the difficulty which must occur in deciding what is and what is not libel; and had inferred, from the representation made by the rev. prelate, that prejudice, passion, habit, interest, might occasionally influence the decision of the magistrates, when it appeared that a man had been held to bail for opinions not only common to Unitarian Christians, but even to distinguished prelates, as the rev. prelate well knew. He trusted that he should be acquitted of any even unintentional misrepresentation. He now resumed the main subject of discussion. If he felt a strong opinion on bringing forward his motion—if, after a long investigation, he had arrived at a conviction of the correctness of his views, that opinion and that conviction had been in no degree shaken by what he had heard that night. When he came down to the House, he felt of course considerable distrust as to the correctness of his opinions, knowing that he was to be opposed by the highest legal authorities; but having listened to the noble and learned lords with the utmost attention, and with a sincere desire of conviction, he must say that all that fell from them rather strengthened than weakened his own opinions; for he had never in his life heard any thing more jejune and unsatisfactory than the arguments of those learned lords. He called for law, and they gave him authority; he called for deliberate discussion, and they had given him bare assertions. They had served him as Falstaff was served, who asked for six yards of satin, and was called upon for security. Here the noble earl restated the principal grounds of his legal argument, and insisted that the authorities of Hale, Holt, and Hawkins, had not been in the slightest degree shaken by the noble and learned lords. The opinion of lord Holt, indeed, one of the most important, had been totally unnoticed. It was curious that all these authorities which made for his argument, had been assumed by the noble and learned lords as making for them; and one of them had even asked, with a sort of sneer, whether the opinions of such grave and venerable men were to be set aside by modern lawyers of ten or fifteen years standing? The persons whom he had consulted were not tyros in their profession, but men of long established and tried reputation; nor could he understand the sarcasm of the noble and learned lord, unless it had a covert allusion to the new solicitor-general, who had been promoted to his office after a shorter experience in his profession than any man before him. The learned lord had quoted a great many cases of persons held to bail, and had asked, with an air of triumph, were not these precedents of the legality of such proceedings? The learned lords cases went for nothing. Were his cases of recognizance sanctioned by the practice of attornies-general, so were general warrants. Were they defended in parliament, so were general warrants. Was it not known that secretaries of state and attornies-general had declared general warrants to be legal? And yet, when they came before a court of law, they were by the judges unanimously declared to be illegal. So in this case he would say, they ought not to abide by the opinions of the legal servants of the Crown; but they ought to look to the solemn decisions of judges delivered in court after deliberate discussion. Such decisions he had produced in favour of his argument, while nothing but vague assertion had been produced on the other side. And here he must protest against quoting as decisive authority the opinions of the paid officers of the Crown. He meant no disrespect in using that term, he used it merely to describe that situation which should make their opinions be regarded with a constitutional suspicion.—He now came to the speech of the noble secretary of state, who, with a tone of great self satisfaction, had taken to himself the credit of stopping the progress of blasphemy and sedition. He supposed that the noble lords on his (lord Grey's) side of the House were as little friendly to blasphemy and sedition as the noble viscount; but the question was, whether the noble viscount had not overstepped the bounds of law, and endangered the constitution which he talked of saving? As to the report on which he grounded his measure, and which he pretended had been unshaken, it was well known that that report had been impeached in some of its most material facts, and had been contradicted by the petitions of highly respectable persons. As to the fallibility of the evidence on which the noble viscount had too much trusted, he would refer him to the proceeding at the Norwich sessions, where Mr. Steward Alderson having, in consequence of lord Sidmouth's Circular, desired the grand jury to pay particular attention to houses used for the purposes of seditious meetings, the grand jury had unanimously reported, that to the best of their knowledge, no such meetings had been held.—The noble earl then, in reference to an observation of the lord Chancellor, observed, that the alarm and danger in 1794 were certainly greater than now; for then the doctrines of the Age of Reason were in full vogue, were supported by persons of some eminence, and were countenanced by the progress of the French revolution. The noble viscount, indeed, had given a strange reason for his belief of the increase of danger. He said, that the danger was greater, because more people read and were better informed than formerly. What! did he mean to say that the Christian religion stood on such infirm ground, that it apprehended an increase of danger from an increase of knowledge? He was astonished to hear such a doctrine. Nor was the opinion of the learned lord more correct when he compared those general directions given on occasions of emergency to magistrates with the official interference of the noble viscount. To what would this doctrine lead? Would the noble doctor now that he had taken a new diploma in law proceed from instructing the magistrates to instructing the judges of the land? The noble lord looked alarmed at such a supposition, and yet such a course was equally justifiable with the other. There was not a jot of difference in principle, though there probably would be in the result; for he could easily conceive the indignation with which the lord chief justice of the King's-bench would receive such a letter of directions from the noble viscount, notwithstanding his present argument in favour of its legality. The slow process of the law, as it had been termed, had not on former occasions been found injurious to the state. There was a sufficient power at present to check dangerous libels effectually by the attorney-general's *ex-officio* informations, which had been used severely enough, and which he could keep suspended over the heads of persons, without bringing them fairly to trial, and in many cases, not acted upon. But in the present matter, where had slept the vigilance of the attorney-general all the time of the danger? The noble lord had spoken of some man apprehended, who had ascribed all his errors to the publications complained of; but he looked at this description of evidence with suspicion. It was the declaration of a man placed at the mercy of the government, and who might hope to gain favour by making it. But the noble lord seemed to think that the evil originated in November. If these great evils commenced then, why was so much time lost by the attorney-general, or those who directed him, in the official informations, or other proceedings? How happened it that the circulation of the mischief was so long permitted? This appeared to be an extraordinary omission. With respect to blasphemous parodies, he thought, in common with others, that such productions should be restrained; but by the ordinary course of justice. But this disposition to profane parodies had been used for certain purposes on former occasions; and improper and profane as they were, they were pretended by some to be made in support of religion. This was pretty well shown in the publication called the Anti-Jacobin, which contained a parody of this description, and which he would take the opportunity of reading to their lordships:—

---

* Lord Sidmouth having, on the 20th of April, laid the Circular Letter on the table of the House of Lords, lord Holland took occasion to observe, that "since the passing of the Seditious Meeting act, a person had been molested for preaching in a chapel or meeting-house, such doctrines as persons of his religious persuasion thought it their duty to teach, and which they had been permitted to teach for 30, or 40, or 50 years past. This transaction had taken place at Liverpool. It might, indeed, be said, that it would probably have happened though this circular letter had never been published: yet the person to whom he alluded had been held to bail; and this at least warranted a strong suspicion that the circular in question was the cause of the proceeding. He did not mean to say that the noble secretary, or any of the persons concerned, were to blame; but it was a matter of very great importance that the subject should be discussed; and that, in order to bring before the House the requisite information for that discussion, the case and opinion should be laid on the table. The person who had been molested in the manner he had stated was an unitarian preacher, Mr. Wright, of Liverpool." In reply to which, the bishop of Chester (Dr. Law) observed, that "it was not in consequence of preaching Unitarian doctrines that Mr. Wright had met with any interruption or molestation. He had been charged on oath, by a most respectable gentleman, a merchant of Liverpool, with having preached, that the notion of the immortality of the soul was a mere delusion, and that the idea of a future state was an absurdity. This was the reason that Mr. Wright had been proceeded with in the manner mentioned by the noble lord."—Lord Holland replied, that the doctrines mentioned by the right reverend prelate were such as one would scarcely have expected to hear from a pulpit: but it was not to the doctrines that he referred, but to the manner in which the individual had been proceeded with."

"Couriers and Stars, sedition's evening host,
Thou Morning Chronicle and Morning Post,
Whether ye make the Rights of man your theme,
Your country libel, and your God blaspheme,
Or dirt on private worth and virtue throw,
Still blasphemous or blackguard, praise Lepaux!
And ye five other wandering bards that move
In sweet accord of harmony and love,
Coleridge, and Southey, Lloyd, and Lamb, and Co.
Tune all your mystic harps to praise Lepaux!
Priestley and Wakefield, humble, holy men,
Give praises to his name with tongue and pen!
Thelwall, and ye that lecture as ye go,
And, for your pains, get pelted, praise Lepaux!
Praise him, each Jacobin, or fool, or knave,
And your cropped heads in sign of worship wave!
All creeping creatures, venomous and low,
Paine, Williams, Godwin, Holcroft, praise Lepaux!
—— and —— with —— join'd,
And every other beast after this kind.
And thou, Leviathan! on ocean's brim
Hugest of living things, that sleep and swim;
Thou, in whose nose, by Burke's gigantic hand,
The hook was fix'd to drag thee to the land,
With ——, ——, and —— in thy train,
And —— wallowing in the yeasty main,
Still as ye snort, and puff, and spout, and blow,
In puffing and in spouting, praise Lepaux!"

Now, it appeared that a Mr. Hone was proceeded against for publishing some blasphemous parody; but he had read one of the same nature, written, printed, and published, some years ago by other people, without any notice having been officially taken of it. He wished to learn what the distinction was that was to be made respecting such productions by the government and the attorney-general. If a publisher was now to be proceeded against for such publications, as insulting religion and undermining the safety of the state, he trusted that the authors of the Anti-Jacobin, whether they were in the cabinet or in any other place, would also be found out, and visited with the penalties of the law. On the whole, he was satisfied with the view he had taken of the subject; and should certainly take the sense of their lordships on the question.

The House divided:

Not Content	75
Content	19
Majority against the motion	—56

HOUSE OF COMMONS.

Monday, May 12.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply, to which the Army Estimates and the Second Report from the Finance Committee were referred,

Lord *Palmerston* said, that in rising to call upon the House to vote the supplies for the army for the whole of the year, he did not feel himself bound to follow the arrangement which had been hitherto usual in describing the different classes of force which it was proposed to maintain. He should therefore, thinking it the most consonant and perspicuous mode, divide the whole of the establishment for which he now intended to call upon the House to provide, into four classes. Under the first class, he included the whole active military force employed within the kingdom, that was to say, the regiments of the line, the staff, the volunteers and yeomanry, and the public offices. Under the second class he included the active force employed out of the kingdom, including the troops in France and in India. The third class comprehended that description who were remunerated for past services, such as the half-pay, Chelsea pensioners, &c. The fourth class was composed of that part of the establishment which it was intended to reduce in the course of the present year, but for which some supply would be required, as the reduction was not yet completed. The labours of the finance committee made it unnecessary for him to trespass at such length on the time of the House as he might otherwise have felt himself bound to do. The general and comprehensive statement in the Second Report of that committee would enable gentlemen to satisfy themselves on many points. To the comparative statement in the 26th and 27th pages of that Report he particularly referred. It would there be seen that on the total amount of force for this year, as compared with that for the preceding year, there was a diminution of 1,738,496*l.* But in that statement was included a charge of 57,180*l.*, for the disembodied militia, which he did not take into the account in what he had now to submit to the committee. There would, therefore, by making an allowance for this, be on the whole force of this year, as compared with the last, a decrease amounting in round numbers to 1,800,000*l.* By referring to the 23rd page of the same report it would be found, taking the more narrow view, and taking only that part of the army which was an actual charge on the revenue of the country, that there was a diminution in the number of men for the service of this year as compared with the preceding, of 35,899, rank and file, or (including officers), 40,226. In addition to this, however, he had to state to the committee, that orders had been recently sent to the Mediterranean for the return of the 2nd battalion of the 14th regiment, which was to be reduced as soon as it reached this country. Taking the reduction of that battalion into account, there would be a reduction on this branch of the force of 36,000 rank and file, or 42,000, including officers and men, compared with the numbers of last year. If the aggregate of the military establishment, including the force in France, was taken, and allowance was made for the 2nd battalion of the 14th regiment of foot, now on their way home to be reduced, there was, on the whole, a reduction of 55,343 rank and file, or 61,910 including officers from the amount of the force last year. By this reduction in the number of men, there would be a reduction in the amount of the supplies for this year to the extent of 1,800,000*l.* Whether the extent of this reduction would give satisfaction to all, he would not venture to say; but at least he was sure that to a majority of the House it would appear satisfactory. At least it showed, that in the interval between the last session of parliament and the present, his majesty's ministers had not been inattentive to the sufferings of the nation, but had lent all their efforts to make such reductions in the military establishment as would materially reduce the public expenditure, and thus not only sooth the feelings, but alleviate the distresses of the people. Reductions such as those which he had mentioned could not be easily or quickly made. It was not a glance of the eye, or a stroke of the pen, that was sufficient to effect them. When the nature and extent of our military establishments was considered; when it was remembered that they were scattered through our settlements in every quarter of the world, it would be allowed that it required the most laborious and patient examination on the part of his majesty's government to enable them to submit to the House the reductions which he had mentioned. Let it only be considered what had been done since the latter end of the year 1814 (the earliest moment when it was possible to commence the work of retrenchment) and the beginning of the present. The total amount of our military force which had been disbanded within that time was 221,794, including the militia. Exclusively of the militia, the numbers were 139,239. Besides these general reductions, the government had not been inattentive to the principles of economy, wherever the interests of the service would admit of their application. In the cavalry each troop had been reduced from 75 to 55 in men, and to 35 in the number of horses. The effect of that arrangement was, that a reduction of 2,600 men had taken place, making a saving in expense of 79,000*l.* In the foot-guards considerable reductions had also taken place. In the miscellaneous charges a reduction of 337,000*l.* had been made, and a reduction of 60,000*l.* in the levy money. In the recruiting establishments eight depots were reduced, and six districts, four in this country and two in Ireland. Five detachment paymasters were also reduced. By these and some minor reductions, a saving in the recruiting service alone had been effected to the amount of 131,000*l.* In the staff, at home and abroad, a diminution of 90,426*l.* had taken place, as compared with the votes of last year. Two hundred and fifty-seven staff officers had been reduced. In the public departments, the least reduction that had taken place, was in the office of the commander-in-chief, being not more than 20,000*l.* With regard to that office he might observe, that a new source of increased business had originated from the very reductions that had taken place. The number of officers who were reduced upon half pay, but who still hoped to return to active service, caused an infinite variety of applications to be made to the commander-in-chief, stating their past services, and founding upon them their claims to future employment. He was sure the House would sympathise with what he might call the distresses of many of those most deserving individuals; and would not wish to deprive the commander-in-chief of the means of, at least answering their applications, by which they would be satisfied, that though their solicitations could not be immediately granted, they were not wholly overlooked. In the pay-office also, the business had necessarily increased. The noble lord next went into a statement of the labours of his own office, and observed that they had been materially augmented, partly from the diffusion of education, for he received each week from 900 to 1,0[illegible] letters, from persons of the lowest rank in life, containing inquiries after private soldiers, whether alive or dead, if dead what effects they died possessed of, &c. He knew it was difficult, by any specific proof to show the exact amount of duty which any particular office demanded; but when he mentioned that during the year ending the 31st of last March, letters had been sent off from his office amounting to 105,940, he apprehended the House would not consider that the labour was trifling. He had, however, effected some reductions, rather in anticipation of less business than in consequence of its actual diminution. In the adjutant-general's office there was a saving of 3,197*l.* and in the commissary-general's 1,714*l.* In medicines and hospital expenses there was a diminution of 33,000*l.* In the volunteer establishments there was a diminution of 3,447*l.* as compared with the votes of last year.—With respect to the troops in France, the House were aware, that the vote for that service was taken merely *pro formâ*, upon the suggestion of an hon. gentleman opposite; but no part of the charge would actually fall upon the public. In the charges incurred for the maintenance of the military college, a diminution to the amount of 5,664*l.* had taken place. The gallant general at the head of that establishment, was the first to set an example of reduction. When the list of salaries, &c. was submitted to him for his opinion, as to the utmost practicable retrenchment he immediately drew his pen through the 500*l.* per annum allowed him for table money. Such an act of disinterestedness was highly honourable to that gallant officer, but could surprise no one acquainted with his character [hear, hear!]. He accompanied it, however, with the remark, that though his private means enabled him to to make the sacrifice, it would be unjust to expect the same from any successor not possessing those means; as it would be impossible for a person filling that high station, to maintain it with due dignity and effect, without such an allowance for his table expenses. With respect to the army pay and attached allowances of general officers, an arrangement had been concluded upon that subject pursuant to the recommendation of the finance committee. The estimate of this year, for foreign corps, was less than the votes of last year by 237,000*l.* In widows pensions there had been, from obvious causes, an increase of 5,085*l.* In the royal military asylum there was a diminution this year of 6,951*l.* In the compassionate list, allowances of his majesty's bounty, and pensions to officers for wounds, there was an apparent increase of 99,000*l*; but in reality, the increase did not amount to more than 9,000*l.* He would take that opportunity of stating what it was the intention of government to adopt with regard to pensions granted to wounded or disabled officers, in consequence of the recommendation of the committee. According to the present arrangement the pension increased in proportion as the rank of the officer increased, in cases where it was granted for severe wounds, the loss of a limb, &c. Where the wounds were not so severe, the rate of pension remained fixed according to the original rank. In future, however, all pensions so bestowed, would continue according to the rank in which the wound was received. In the local militia there was a diminution of expense amounting to 70,500*l.*; but in the superannuation allowances there had been an increase of 7,602*l.* In the exchequer fees there was a diminution of 92,863*l.* the necessary consequence of the general reduction which had taken place in the aggregate amount of the votes proposed. The whole amount for the service of the present year was 6,682,318*l*, 9*s.* 7*d.* but of that 2,888,000*l.* had arisen from services wholly unconnected with the actual charges for the effective military force. They belonged to past services, so that the real charge for the army proposed to be maintained was scarcely more than 3,794,000*l.* Now, when they considered what had been the charge for our military establishments in former periods, when the pay of the soldier, and all the various allowances were double their present rate, such a sum could not fairly be regarded as excessive, considering the extensive range of our colonial possessions. He should say nothing more at present, but merely move the first Resolution, " That a number of land forces not exceeding 121,035 men (including the forces stationed in France), and also 15,585 men proposed to be disbanded, and 1,863 men proposed to be transferred to the Indian establishment in the year 1817; but exclusive of the men belonging to the regiments now employed in the territorial possessions of the East India Company, or ordered from thence to Great Britain, commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 25th of June 1817, to the 24th of December following."

Mr. *Calcraft* thought the force proposed much too large for the circumstances of the country. With respect to the Report of the finance committee, as he did not become a member of that committee until after the Second Report was drawn up, he did not hold himself responsible for any part of that Report; and he could not help observing, as to that Report, that it was very extraordinary that establishments should be voted, or their amount determined, before the statement of the probable income of the year was laid before the House. In 1792, all the services now to be performed, were performed by 40,000 less than the number now required excluding the force in France. He did not mean to say that the establishment of 1792 was capable of performing the services now required. But ministers were at least bound to show the reason for so prodigious an increase. With respect to the colonies, he could not help ohserving, with satisfaction, that the numbers tallied completely with those he himself had proposed as sufficient last year; though he was then told that no reduction could be made. In more than five or six instances the present numbers tallied with what he had then proposed; so that ministers had adopted the opinions of himself and his friends; but, on this occasion, he must say, they were a full year in arrear of their duty, as they ought to have made those very deductions a year ago. No doubt next year they would find, that what they think impossible now, can be done then. For the considerable reductions that had already been made, the country was, in his opinion, indebted to the firmness of the House in refusing the income tax, and the war malt tax, and also to the debates on the army establishment. If it had not been for the discussions that had taken place, though apparently disregarded at the time, he was convinced that we should not have seen the reduced establishments of the present day, but which as taken altogether at 140,000 men, he still thought too high. The gentlemen opposite ought to explain why this force is necessary. There were 17,000 yeomanry cavalry in addition to this large force, merely for the service of Great Britain. In 1792 a force of 12,000 men was found amply sufficient. How came it that the country was in so different a state now as to require such an addition? It was known that the grievances of the people arose very much from the burthens of taxation; and if this amount of force was to be kept up, it must be seen that it would be impossible to diminish these burthens. Now, if gentlemen thought that a large military establishment was better than to relieve the public from their burthens, he must beg leave to say that he totally differed from them. Believing, however, that still farther reductions were in progress, he should not go into minute details at present; but there were one or two topics which he could not help touching on. The first was, the subject of foreign half-pay. Many foreign officers who received half-pay were now in Hanover on full pay and in actual service. He thought this a most improvident regulation, and one which ought to be corrected. Another topic was the half-pay officers reduced before the 24th of June, 1814.

Their case was extremely hard, as being limited to the old rates of half-pay; and thus a partiality or preference was shown to foreign officers who had served in our army. It did not appear to him that the reductions had been sufficiently extensive in the public departments connected with the army. He did not think that of the commander-in-chief likely to be sufficiently reduced; but he would press upon ministers the necessity of reducing every department, to the lowest possible rate that was at all compatible with the business they had to transact. If he saw any chance of being supported, he would move for a considerable reduction in the present established force. He hoped the noble lord would yet give some explanation of the necessity of maintaining so large a force.

Mr. *Lyttelton* recommended strongly to the attention of his majesty's government, the propriety of relieving the numerous class of half-pay officers from the obligation of the affidavit, by which they were unable to receive half-pay, and at the same time hold any civil or other military allowance. There might have been some reason formerly, but its injustice at present was not only obvious, but bore with great severity on that valuable class. A trifling addition to their income by the holding of a small office to the amount of 50*l.* or 100*l.* a year, would have the effect of rescuing many of them from penury, and could not increase the burthens of the country.

General *Walpole* thought the establishment for the colonies too high, particularly when he compared the number of troops maintained in Jamaica and the other West India islands in 1792 and at the present period.

Mr. *Warre* animadverted on the unnecessary increase of the life-guards and blues, troops employed only for splendour and parade. The staff of the colonies he likewise thought too expensive. In 1792 the charges for the staff in Jamaica was only 864*l.*; in the present estimates they amounted to 4,816*l.* The total charge for the staff appointments of the colonies in 1792 was only 17,000*l.*, now it was 74,000*l.* He allowed that we had made great additions to our colonies, but our establishments were disproportioned to the augmentation of our empire. With respect to the Compassionate List Fund, so well applied in diffusing relief to such a number of claimants, he was disposed to think that the noble lord, in taking 3,000*l.* for future demands, might have extended the grant.

Lord *Palmerston* was surprised that the hon. gentleman who spoke first did not give ministers some credit for reducing the establishments to their present scale, especially as he seemed to think that they had proceeded on his recommendation. The hon. gentleman had objected to the half-pay given to foreign corps, who might still be employed in another service on full pay; but foreign troops employed in our pay, when disbanded, could not be called back like our own half-pay officers. They enjoyed their half-pay rather as a reward for past services than as a retaining fee for future. With regard to prohibiting half-pay officers from enjoying other places of emolument, he would say nothing at present, but that the government would take the subject into consideration. In the mean time, he did not think the regulation so groundless as it had been stated. The establishment of the life-guards and blues was complained of as being too high; if they were to be kept up at all, they must be kept up in a state of efficiency. Instances had occurred since the meeting of parliament in which they had been extremely useful. With regard to the increase of the colonial staff, it might be explained from the change of system that of late had taken place, rather than from any extravagance on the part of government. The addition to the charge for the compassionate list would be sufficient, though he allowed the full merits of this establishment.

Sir *R. Fergusson* rose to call the attention of government to the subject of the relief of troops in the West Indies. He allowed that much good had resulted from the system already acted upon, of relieving whole regiments or companies at once, and not detaining them, as formerly, in one place, filling up their casualties by draughting from other regiments. The contrary custom had for a long time prevailed. He knew of four companies of the artillery corps who had remained in Jamaica, the first 27 years, another 21, and another 15 years. They went out without the hope of returning. They suffered under the most overwhelming despair; they viewed themselves as victims of destruction, and in consequence surrendered themselves up to every kind of irregularity and debauchery; their crimes increased with their miseries, and their punishments with their crimes. Their punishments were greater than those of any other troops. Thank God, the discipline of our army had improved, and the necessity of punishment had of late diminished; but there could be no discipline, and punishment would fail of producing any effect, where the situation of the persons was hopeless, and where reformation or good conduct could be of no avail. Such was the situation of the troops to whom he alluded. At Fort Charles, in Jamaica, surrounded on three sides by the sea, and on one side by a marsh, the garrison was in such a state of insubordination, that 300 men received 54,000 lashes in the course of two years. The necessity for this arose from despair. Relieve the troops at regular and stated intervals; let them enjoy the certainty that they would not be required to spend all their lives in an unhealthy climate, and discipline would produce the same effects there as at home. Instead of this, the men were driven to desperation by seeing their friends fall around them. He was sure that the commander-in-chief, had this service been under him, would have taken steps to remedy the evil. They were relieved, but were relieved by troops who had the same dreary prospects before them. The terror of being sent to the West Indies was sometimes, he heard, hung over refractory and unmanageable individuals.

General *Phipps* thought the gallant general should at least have given some notice of his intended attack on his noble relation, the master-general of the ordnance. With respect to the removal of those companies from the West Indies, he assured the House the removal had taken place.

Sir *R. Fergusson* denied that any attack on the master-general of the ordnance was either made or intended. The facts were only stated with a reference to future attention. They could not apply to the present master-general, as they adverted to the proceedings of years past, when his noble relation had no connexion with the ordnance.

Mr. *Ponsonby* coincided with his gallant friend, that nothing like attack was intended; it was the system that was reprobated; and surely twenty-seven years was a long period for the continuance of such an abuse without any check until the present time.

Lord *Nugent* said, that, after what had already passed, it was with the deepest and most unaffected pain (arising from circumstances immaterial certainly to the House), that he felt himself called upon to vindicate his vote. He should do so in a very few words indeed.—But not being able to discover any difference whatever in the principle of the establishment now proposed, and very little indeed in the amount of it from the establishment of last year, against which he had cordially and strenuously voted, he could not but give his firm and decided opposition to the recommendation of the noble lord.—The noble lord had said, that these estimates have been reduced to the lowest possible scale consistent with the public safety. He trusted the noble lord would not suppose that he meant it in any way offensively or disrespectfully to him, if he said that he could not trust that assurance. He could not trust that assurance, because the same assurance had been last year given, on the same subject, and from the same quarter,—an assurance which, not a fortnight after it was made, was abandoned and disproved by the very persons who made it. The estimates, which had been then recommended as being reduced to the lowest possible scale consistent with the public safety, were afterwards withdrawn from the committee to be reduced, were reduced, were again brought forward, and yet these reduced estimates, in their second shape, met with precisely the same support, and were still recommended as of the precise amount in every way calculated to provide for the public safety. It was for this reason he could not, on this point trust the assurance of the noble lord. The expense of the proposed peace establishment, appeared to him the last and lowest ground on which such a proposition could be opposed. Indeed, he was far from thinking that the patronage and influence, great, enormous, though they be, thereby thrown into the hands of the government, and perpetuated, formed by any means the head and front of the objections, one naturally feels to a peace army of so tremendous an amount. For my own part, said the noble lord, I own that I fear, first and mainly, the actual armed force of 120,000 soldiers in time of peace, in the pay of the king, and at the disposal of an administration, whose motives I distrust, and whose principles I have uniformly disclaimed. This was his fear, considerably increased certainly by the finding that, by dint of an uninterrupted war of twenty-five years, the existence of a large army is not only reconciled and rendered familiar to our habits, but is, by reason of the number of commissions borne in it, identified with the domestic interests and views of a large majority of the families of England. He was aware that to such a pass was public feeling arrived on this point, that the old fashioned jealousy which our forefathers entertained of a standing army in time of peace, is now regarded as but little more than the theme of common place declamation. He was heartily sorry it was so,—but, inasmuch as it is so, in so much did he think it the bounden duty of every man, who feels rightly and jealously for our free constitution, and for the general cause of public liberty, to at least remind his countrymen of that spirit which once was felt, of those doctrines which once were held sacred, to which we owe that constitution and that freedom, and, without which, they would soon be left altogether naked and defenceless, in the face of their most powerful enemies. He looked to the history of the world, and found, in no country, and in no times, an instance in which a free government had ever long survived the introduction of a disproportionately large military establishment in time of peace,—nay more,—he found no instance in which a free government had ever been finally overthrown, or popular freedom permanently subdued, by any other agency than that of a standing army. These were his opinions, these his sentiments, which, whatever pain they might have cost him in the expression, he could neither abjure nor disguise. In conformity to them, he must give, as far as one cordial vote could go, his decided and eager opposition to these estimates—[Hear, hear!].

Mr. *Curwen* wished the House to consider, even supposing there might be danger to the public service in reducing the military establishments, whether the greater danger would not be found in voting such a force as our financial resources were unable to support. For his own part, he could not take upon himself to decide what our establishments ought to be, until the financial means of the country were fully before the House.

Sir *W. Burroughs* entered into a comparison of the amount of troops maintained in our various colonies in 1792, contrasting them with the present amount, and contending that the number now proposed was far beyond what necessity required.

Mr. *Goulburn* regretted that the last speaker had been so recent a member of the House as not to have heard what was said on the subject of the colonial establishments last session, when the necessity of the forces there was clearly made out, and acknowledged by the gentlemen opposite. He justified the present colonial armies, as necessary to preserve tranquillity. So far from ministers being blamed for proposing excessive establishments, he thought they were rather open to blame for risking something, in order to satisfy the general cry for economy and retrenchment. The hon. baronet seemed not to be aware that the 140,000 men included the large garrisons for India.

Sir *W. Burroughs* observed, that if 20,000 effective Europeans were sufficient, with the native troops, to preserve the tranquillity of that immense empire and population, it was a proof of the mildness of the government and the attachment of the inhabitants. But could as much be said of this country? Were the people here so attached to the government, and could the illustrious personage at the head of it be said to be enthroned in their hearts? If loyalty and attachment pervaded every part of the country, where was the necessity for such an enormous standing army? He believed that the ungrounded apprehensions of ministers had induced them to maintain an army beyond what the country required. He hoped they would see their error, and endeavour to rule by the affections of the people, and not by the sword.

Lord *Castlereagh* protested against the mode the hon. baronet had adopted of throwing the gross amount of all the descriptions of force together, including yeomanry, and the army in France, and commenting upon them as if they were all maintained at the expense of England.—The gentlemen opposite, he observed, were not disposed to impeach the estimate.—Certainly the government of India was entitled to all the praise of the hon. baronet; for a more mild and liberal government did not exist. But the people there were attached to the government; for they had not been corrupted by the pernicious and disorganising principles of the French revolution. The noble lord referred to the different forces, and observed that, instead of having 140,000 men for the British empire, we had only 80,000, which number, though voted by parliament, always fell short of the amount. With respect to the colonial garrisons abroad, they were only a fraction beyond what they were in 1792, exclusive of the number necessary for the six new colonies we had acquired. When it was remembered that since 1792 we had become possessed of Malta, the Ionian Isles, the Cape of Good Hope, and many other possessions, the force set apart for the colonies could not be thought too great. The only point on which a question could arise, was on the number of troops kept up in England and Ireland. Of the men proposed to be voted for England, when the 3,000 allowed for reliefs were deducted, and other circumstances were taken into consideration, the number of really effective men would not exceed 16,000. He admitted the country must, in a great measure, rely on the yeomanry for safety, but these were not fitted for every day duty, as they could not be called out, without putting the individuals composing it to considerable inconvenience, and they could not be expected to serve in the docks, or in other places where the presence of troops was constantly necessary. The situation of the country was much altered since 1792: at that time the country had abandoned all system in its army. Our army had in fact been made since that period. He did not mean to say that the British army had not always been distinguished for its gallant conduct in the field, but it was since 1792 that the machine had been put in motion, such as it now appeared, regulated as it was by its illustrious commander-in-chief, whose unremitting labours had brought it to a state of unexampled perfection. The question now was, should we have an army, or should we not? If we had an army, we must have a staff to manage it. The staff proposed to be kept up, was not at all too great, if, in some instances, it had not been left imperfect.

Mr. *Calcraft* said, that he would move a reduction of the estimates on the bringing up of the report.

Mr. *Brougham* contended, that with a yeomanry force in the united kingdom amounting to 35,000 men, the estimates might be brought much lower than they were at present. In addition to the yeomanry, there were magistrates, constables, and the *posse comitatus* to secure the peace —and were not these sufficient for the purpose? Must every thing be done by soldiers? Why was the country to be told that the army must be doubled, because the yeomanry and soldiers could only be trusted? Was this the result of that triumph, in consequence of which they had carried up addresses of congratulation? Was this the consequence of the great big boasts they had heard of the peaceful conquests of the noble lord at the congress? Whatever might be said of the additional force required to defend our new colonial acquisitions, no good reason could be shown why nearly 86,000 men should be voted in 1817 to perform those duties which in 1792 it was thought required no more than 4,400. Was it because the discipline of our army had been so much improved, as he rejoiced to say it had been, that double the number of men were necessary to perform a particular service than were formerly called for? The state of profound domestic peace in which the country was at present, did not justify the call made for a great military force. Before the army was increased he wished the House to take into their consideration the present situation of the country, with respect to the dangers to be apprehended from the designs of the disaffected. He would call upon the right hon. gentleman opposite (Mr. H. Addington), in the plenitude of his disposition to feel alarm, to point out from an annual register, a parliamentary debate, or an old file of newspapers, any period at which the country had enjoyed a more perfect state of repose. At the late assizes at Pomfret, there had not been one prosecution for sedition. At Manchester, Preston, and Liverpool, out of 400 persons brought to trial, there was but one person tried, for uttering seditious words, and this was such a case, that the magistrates could only say the accused had spoken foolishly in his cups, and they had ordered him to be liberated on his own recognizance. At Norwich, which had been denounced by name in one of the reports, an inquiry had been made by the grand jury into the seditious associations there in existence, and the result was a unanimous declaration, that nothing of the kind could be traced. There had been no disturbances in any part of the country since those of Spa-fields and Manchester, and under these circumstances he called on the House not to consent to a military force being kept up, whose numbers should double that which was found sufficient in 1792. If there were danger, which he denied that there was, let additional constables be sworn in —let the *posse comitatus* be called out— let civil means be resorted to, in order to secure the public peace. Let Englishmen have recourse to the constitution of their country in time of danger, if they wish to prove themselves worthy of such a constitution. For Ireland, it was said, a smaller force could not be kept up than had been proposed last year, and which it was admitted on all hands was necessary. He, however, wished to know what had been done to remove the discontents of Ireland since that period? He contended, that by making the proposed concessions in matters of religion, much of the force now required for Ireland might be spared. If to concede the Catholic claims would tranquillize that country, it was to him wholly incomprehensible, that those in the administration who held this opinion should court the association and fellowship of others who opposed it, and suffer themselves to be triumphed over by those who would not be permitted to remain in their places twenty-four hours, if they were in the same way to oppose the amount of the estimates now before the House. These things were inexplicable to those who were not versed in political intrigue and cabinet arrangements. However, he sincerely agreed with his noble friend (lord Nugent), as to the policy of ruling in the hearts of the people rather than lording it over them by military force; and he congratulated him on sentiments as much above all despotic views and illiberal prejudices as a truly noble mind was above those who looked only to shuffling and sneaking after place.

Mr. *J. P. Grant* gave notice of his intention to move for limiting the period of these estimates upon the report being brought up.

The several resolutions were agreed to.

HOUSE OF LORDS.

Tuesday, May 13.

Libel Law—Lord Sidmouth's Circular.] Lord *Erskine*, adverting to the discussion of the night before on the subject of the power of justices of the peace with respect to commitments for libel, observed, that it was unfit a question of such magnitude and importance should remain in its present state; it was necessary that the law, whatever it was, on the subject, should be fully understood and settled, and on that account it was his intention to move for a return of the precedents, which at least would establish what the practice had been; and he would in a day or two put his motion into a proper shape.—He was desirous to have a return of all the recognizances returned to the court of King's-bench, and the different quarter sessions throughout England which had been taken by justices in cases of libel, before indictment found; as he could not believe that they would prove to be so numerous, as to establish any thing like a practice, much less a recognition of the law on such an important subject. But if it should turn out that it had been held or considered to be the law, he would never rest until it was altered. There had been for many years an erroneous opinion regarding jurisdiction over libel, till set to rights by the libel act, and since the passing of that act, which took even from the judges the right of determining the criminality of any writing upon general subjects as an abstract question of law. It could not with any propriety be competent to the lower magistrates to exercise such a jurisdiction by holding to bail before indictment found. When he first came to the bar, the jurisdiction of the judges over libel as a matter of law, was considered to be so settled that he could hardly obtain an audience regarding it in the courts, but he then told lord Mansfield, that he never would submit to it, and that he was sure he should live to see it altered by the authority of parliament. Now, indeed, that he was grown old, he could not be so confident in looking forward to any event which might be distant, yet still, he had no doubt whatever that in a matter so vital to the liberty of the press, the pressure of public opinion would be so strong and so universal, that the legislature would give way to it, as they had done before when the libel bill was passed; as, if any justice of the peace might deprive any man of his liberty upon his own judgment of the quality of what he had written without the opinion of a grand jury, that statute, so justly popular, might be cast into the fire. His noble friend upon the woolsack, who had not pledged himself to any opinion had most truly said on a former night that it did not follow because libel could not be adjudged without the opinion of the jury as to libel that therefore a person might not, as in other cases, be arrested to answer to such a charge, and there certainly was an obvious distinction; but then in the cases of other crimes their definitions were matters of law for magistrates to judge of and generally very simple. Whenever libels were now held to be not matters of law but of a nature only fit for juries to decide, and if the jurisdiction to imprison before indictment were still left with the justices of the peace, people might be more vexed and harassed, and be far longer imprisoned, than after a condemnation of the offence. It would therefore be such an intolerable obstruction to the freedom of the press, to allow this jurisdiction even if it were at present legal, that he would never rest until it was done away; but in the mean time, he wished to have it clearly ascertained what the law was, and with that view he gave notice, that he would move in a very few days for precedents of the description he had mentioned.

HOUSE OF COMMONS.

Tuesday, May 13.

FORFEITED RECOGNIZANCES IN IRELAND.] Mr. *Peel* rose to make his promised motion relative to the shameful neglect that at present prevailed in enforcing the payment of fines incurred by persons in Ireland, in consequence of the Forfeiture of their Recognizances in criminal cases. The present system of entreating or enforcing such fines, had been settled by the act of 1798 of the Irish parliament—a period peculiarly unfavourable to legislative accuracy or precision. By this act the estreats of all fines were ordered to be certified to that officer in the exchequer, denominated the comptroller of fines and estreats, who made a return thereof to the directors of green wax process. These parties were empowered by the said act to direct warrants to be issued to the collectors of baronial assessments, empowering them to levy these fines, to assist and thereby lighten these assessments. It was perfectly clear to the House, that unless persons giving their recognizance to appear and prosecute criminal offences were, in the event of their non-appearance, punished by estreating their recognizances thus forfeited, there must be an end put to any expectation that justice in criminal matters would be done in any part of Ireland. The fact was, that nothing was more common than informations against individuals to-day, which, through partiality, interest, or the more flagitious means of bribing, were abandoned to-morrow. The sum total of these estreats during the last seven years amounted to 200,000*l.* of which not a third part had been levied; and of such as had been levied, the amount, instead of being applied to ease and aid the baronial assessments, had been pocketed by the constables, whose duty it now was to collect them, and appropriate one-third to themselves for the trouble of their collection. At the assizes for one town he had been informed that of 900*l.* estreatable fines, which might and ought to have been collected, only 300*l.* was levied, all of which had gone into the constable's pocket. The mode these gentlemen adopted was ingenious and rather original. Supposing that of this 900*l.* he levied 300*l.* in the first instance, he drew the 100*l.* to which he was by law entitled, and then drew the remaining 200*l.* as his poundage upon the 600*l.* still remaining estreatable, although not collected. Thus, in the seven years in which the comptroller of the pipe in Ireland, should have received 500 returns upon estreats, not more than twenty or thirty had been received; all of which were, in consequence of the above practices, merely useless forms. In the king's county alone, in the course of the seven years, although estreats accrued to the amount of 7,500*l.*, no attempt had been made to levy any one recognizance. Here, then, the whole law of forfeited recognizances had been rendered a dead letter. At the assizes for Birr, 111 indictments were found, and not more than 20 came to trial. The consequence was, the introduction of a system of perjury and fraud, disgraceful and prejudicial to the administration of justice in the country. The practice was detrimental to the morals of the subject, in particular with respect to a practice resorted to, to evade the possible enforcement of these estreats. The party thus forfeiting their recognizance came into court at one assizes, and made oath they would take up or fulfil their recognizance, and at the next assizes came into court and swore that they were in a state of insolvency, and could not make good the fine. They were by this summary mode discharged, and all hope of levying the fine vanished.—His intention was, to take the power of enforcing these fines out of the hands of the constable and put it into the sheriff's, as was the practice in this country, providing, at the same time, a suitable indemnification to the sheriff. It was his intention also to bring in shortly another bill, regulating the office of sheriff in Ireland, which hitherto had been exposed to great inconvenience, in consequence of the sheriff of the present year being liable to be proceeded against for the acts of his predecessor, and the sheriff having no proper mode of obtaining redress against, or controlling the sub sheriff. These disabilities and inconveniences of the present system, it should be his study to remove by the provisions of the act proposed.

Sir *John Newport* complimented the right hon. gentleman upon the sincerity of his intentions, and the correct view he had taken of the subject. He considered that the evil called aloud on parliament for its interference. It was high time the power of levying those fines should be transferred from the constable to the sheriff. The result had proved its impolicy, and he should give the most hearty co-operation to the bill proposed.

Leave was given to bring in the bill.

UNDUE REMISSION OF PUNISHMENT —PETITION OF THOMAS GRIFFITHS.] Mr. *Bennet* said, he held in his hand a Petition to which he should beg the attention of the House, and which if correct, formed a serious charge against some persons entrusted with the administration of justice. The petitioner, a Mr. Griffiths, was a stationer and paper-hanger in Oxford-street. In the course of the last year a captain Hay or Hoy, a man of fortune, who passed for a gentleman, had lodged in the house of the petitioner. The wife of the petitioner, who it appeared was a beautiful and interesting woman, was alone in her parlour, when this captain Hay made a most atrocious assault on her person: in consequence of her screams he was, however, obliged to quit the House without effecting his purpose; but in consequence of this assault she miscarried. Captain Hay, was tried for this offence at the Middlesex sessions, on the 18th of Feb. and to the surprise of every one set up an alibi. The statement of Mrs. Griffiths, who, of course, was the principal witness, was confirmed by the neighbours, and the witnesses whom captain Hay adduced to prove the alibi, were completely disbelieved by the jury, as was proved by their verdict. The chairman in summoning up stated, that he never recollected a case in which more barefaced and deliberate perjury had been resorted to in defence of a prisoner, and recommended the petitioner to prosecute the principal witness, who was now suffering punishment for his crime. The jury, without hesitation found, the prisoner guilty, and the chairman in passing sentence on him remarked, that the magnitude of his crime was increased by the defence set up, and that it was necessary to make an example of him. He was then sentenced to be imprisoned 12 months, and to pay a fine of 20*l.* Captain Hay was kept a fortnight in custody, during which time, being a man of property, he was lodged in the governor's house: and before the conclusion of the sessions, the magistrates of their own authority, discharged this person. The petitioner therefore humbly represents to the House, "that he has in vain appealed to the laws of his country for redress against a rich man, for, though the defendant was convicted of a most indecent assault on a married woman within the protection of her husband's walls, in attempting to commit one of the grossest outrages on her person that it is possible for a woman to sustain, and then, by the most malignant perjury, endeavoured to protect himself, and damn her reputation more than even the act of adultery itself would have done, yet he has been enabled to evade the sentence of the court, and has only been imprisoned a few days in comfortable apartments, and fined the sum of 20*l.*, whilst, on the other hand, the petitioner, the injured party, has been exposed to great anxiety and very heavy expenses for the attendance of a surgeon on his wife, rendered necessary in consequence of the assault committed on her, and also the charges of two expensive prosecutions, one of which was instituted at the express desire of the court; and the individual at whose hands he has received such aggravated injuries and insults is now walking abroad, and has been seen parading triumphantly before the petitioner's door, exulting in the pride of his oppression, and the glory of his wrong; the petitioner therefore most humbly prays such redress as to the House shall seem meet." Mr. Bennet said, he should, after the petition had been laid on the table, move for copies of the indictment and the order for the discharge of Hay; and if the case turned out as had been represented to him, he should submit a motion to the House on the subject.

The petition being read,

Mr. *Bathurst* expressed some doubt whether the petitioner had pursued the most advisable course—whether he had not his remedy at law.

Mr. *Brougham* said, the conduct of the magistrates was most extraordinary, and called for the interference of that House. The power of the magistrates to mitigate the extent of punishment previously to passing sentence, he admitted; but he denied that they had any legal power to reduce the sentence after it had once been pronounced from the bench.

Ordered to lie on the table.

Army Estimates.] The report of the committee of supply, to which the Army Estimates were referred, having been brought up, and the first Resolution read,

Mr. *J. P. Grant* rose, and expressed his intention of proposing, as an amendment, the substitution of the word "September" in the place of December. His reasons for making this proposition were founded on the proceedings of the House, in appointing a committee of finance, on the suggestion of the noble lord opposite. He had understood, when the noble lord had proposed his committee of finance, that it was for the purpose of ascertaining the amount of income and expenditure before the estimates of the year were submitted to the House. The noble secretary at war had also required, in the early part of the session, to have the estimates voted only for six months, on the ground of the impropriety of declaring the ultimate expenditure of the year, before the committee of finance had made its report. It would therefore be necessary to show that some alteration had taken place in the affairs of the country, to justify this deviation from the principle and mode of procedure formerly adopted, and to prove that the House were not stultifying themselves in the presence of the country. He had ever considered that the army estimates were submitted to parliament on the sole responsibility of ministers, unfortified by the decision of any committee of the House; nor could any minister come before parliament, and meet the objections, offered to the estimates by saying, "These are not our estimates, but have emanated from a committee of yourselves." It was impossible for the House to enter into a satisfactory examination of the estimates, without having the report of the committee of finance; for the mere assertion of any individual member of the financial embarrassments of the country must have but little weight, unless supported by official documents. The noble secretary at war had said that the estimates were framed on economical principles, referring principally to the colonies, because, said the noble lord, the colonies might be held at too dear a rate. He (Mr. Grant) would apply the same principle to the whole expenditure of the country, and ask, whether as great a danger might not be apprehended from having an expenditure far exceeding our income, as from not having one or two of the garrisons now proposed as necessary? He feared it would be found that the sinking fund was the only disposable means for the support of the establishment of the present year. If, however, this point could not be ascertained, and that the committee could not bring in their report, what inconvenience could result from passing a vote only for three months, at which time the House could come to the discussion fairly, and regulate the expenditure of the country by a reference to its income? Even in the present state of their information, he entertained no doubt that the proposed estimates far exceeded what the country could afford; and in considering the force necessary to form the peace establishment, he could not avoid referring to what it had been in the year 1792. In making this comparison between the respective establishments, the difference was to him wholly unaccountable. In the year 1792, the forces in Great Britain amounted only to 15,701 rank and file. They were in the present estimate 30,000. In the old colonies the garrisons, in 1792, amounted to 11,282 men, at present to 20,416, and including officers to 23,416. In every other branch of the service, the comparative numbers bore an equal disproportion. It had been allowed that two-thirds of the numbers necessary for the old colonies would be sufficient for the new, at which calculation 18,804 men would, at the rate of 1792, be sufficient for all the colonies, instead of 34,000, as now required, independent too of the establishment in India and the army in France; but he could see no reason for employing now in the same services more than double the numbers that had been thought sufficient in 1792. The learned gentleman then referred to the report of the finance committee, which had sanctioned these estimates. The committee had not therein invited the attention of the House fairly to the real state of those estimates. The report was drawn up on the principle of the speeches made by the hon. gentlemen opposite, who had uniformly defended the proposed estimates by reference, not to former peace establishments, but to a war expenditure, as if ministers had any merit in reducing the military establishment, after a war the most extensive that this country had ever experienced. If we compared the present estimates with the establishment in 1792, the difference would be found most appalling; but it would become still more remarkable, if in the comparison the financial state of the country at the respective periods were likewise considered. The committee of finance had referred to several reductions that had taken place in the army, and had likewise employed much of their valuable time in regulating the hours of attendance by the clerks in the several offices; but it was surprising that they did not enter into the consideration of some more important points, and endeavour to apprize the House of the real state of the finances of the country. With regard to the troops in France, the committee had stated that they had been no charge to this country; this statement he could not reconcile with an item of 500,000*l.* in the commissariat department, appropriated to the army of France, to make up the difference between the allowances made in that country and the real price of the forage. This charge he wished to have explained. Referring to the Military College, he said he should not enter into the details of the expenses of that establishment, although a charge in the year 1813, of 33,800*l.*, and in the present year of 28,155*l.* merited consideration. But the expense was not the most serious point; he should rather object to the establishment on the grounds of its novelty in this country, and which by its tendency to distinguish the army from the body of the people, was repugnant to the principles on which the national manners were formed, and on which, the constitution was established. The large number of the proposed estimates was an additional reason for him to desire that they should be voted only for three months. If his amendment should be agreed to, time would be afforded for the finance committee to make its promised report as to the income and expenditure of the country, and upon that report the House would be fully competent to decide whether the proposed amount of the military establishment should be further extended. Such a postponement was the more necessary upon the grounds stated by the noble lord opposite, who had urged upon a former occasion, that nothing was more material to a great country, than that its income should be equal to its expenditure—that, indeed, it was impossible for the prosperity of any country to go on, if such an equality were not established. But in his (Mr. G.'s) judgment, no degree of danger to be apprehended by the colonies, or by the Crown itself, could bear any proportion to that too likely to result to Great Britain (without referring to the experience of other countries), from such an equality as the noble lord professed to deprecate. Upon these grounds he would move, as an amendment, to insert "September" instead of December, in the motion before the House.

Mr. *Bankes*, in reply to the observation of the hon. and learned gentleman, that the examination or decision of the army estimates should not devolve upon any committee, called to the recollection of the House, that the first object referred to the consideration of the committee alluded to was, the amount of our military establishment; and he was not aware that that committee had, in any degree, arrogated the power of deciding for or dictating to the House upon this subject. Its only object, indeed was, to inquire into details; and he submitted that such inquiry by any committee was by far the more convenient and satisfactory course for the House itself. Indeed, if he recollected rightly, such was the observation of the hon. and learned gentleman himself upon another occasion. But it must be obvious, that accurate information as to details was more likely to be obtained from the report of any committee, than from any conversations in that House upon such points, and this he thought was to be concluded even from the report to which the hon. and learned gentleman had referred. Those details, with some observations naturally arising out of them, were all the finance committee had undertaken to lay before the House. It did not assume to suggest what should be the amount of our numerical force: it left that to the consideration of the House itself, and therefore it did not on this point attempt to interfere with that degree of ministerial responsibility to which the hon. and learned gentleman referred. He agreed fully with the hon. and learned gentleman as to the propriety of bearing in mind the military establishment of 1792, and the hon. and learned gentleman would see a recommendation upon the subject of that precedent in the report before the House. There might be, and he hoped there would be soon, such a change in our internal condition, and in the circumstances of our foreign relations, as to warrant a recurrence to that precedent, but for the present he could not feel the propriety of acceding to the hon. and learned gentleman's proposition, particularly in making any reduction in the proposed estimates. He was inclined to agree to the estimates for the present year, not pledging himself as to the future. Ministers did not present the present estimates as a system of permanent establishment. He was sorry to hear observations made about trifling details. The hours of the clerks attendance was not so trifling a consideration, when it was considered what an excessive number were employed. The public had a right without imposing any unreasonable degree of labour, to be served as well as other establishments. The committee thought, that in some offices the atendance was not long enough. By a closer attendance, business which now took up seven years might be got through in six. This would be both an expedition of business, and a saving of expense. Great savings, he believed, must consist in numerous reductions; and he confessed he had seen more done this year by government than he expected. He hoped they would do still more. As for waiting for a full report on the income and expenditure of the country, one of the earliest things, after appointing the committee, was the referring to them the estimates, which called their attention to them as a matter of course. A conjectural estimate of income and expenditure for the current year must take up much time and attention. He would say to the hon. and learned gentleman, and to all, that considering the financial resources of the country to be embarrassed, and the distress to be great, he thought whatever was not essential ought to be saved: and if the hon. and learned gentleman could lay his hand upon any item that could be safely reduced, and bring it to a division he promised him his vote; but as to the objection stated, he thought the proposed plan of ascertaining the income previously to voting the estimates—first, inconvenient, inasmuch as it would delay the estimates too long; and, secondly, unnecessary, for the net revenue down to the 5th of April last was most accurately given. From the accounts already laid before the House, the hon. and learned gentleman could readily ascertain what our income for the last year had been. As to the income of the present year, it was not the object of the committee to form conjectures upon that subject; the committee, he hoped, would be able soon to lay before the House what belonged to their province; but a conjectural estimate could not be satisfactory. There were some farther reductions which he had proposed in the committee, and which he still thought should be made. They were connected with what was called the public departments. There was, first, money given for extra labour. This labour was no other than making up the estimates, and the money given for it, he thought, ought to be disallowed. There was a second reduction that ought to be made of the allowances to advanced clerks. He mentioned this, as he had no doubt but they should yet hear a great deal about it. This ought to be discontinued: if not they would afterwards hear of compensation, and vested interest equal to any freehold, as in the case of perquisites abolished in Ireland by the union. If such unnecessary expenses were not discontinued, how could they propose retrenchments in a higher degree? He knew not what the hon. and learned gentleman proposed by his motion, unless he meant to effect a permanent reduction of the estimates. The great resources of the government were known to consist in borrowing, and he did not perceive how the delay proposed could bear upon the system of borrowing.

Mr. *Calcraft* said, he could scarcely believe his own ears, and felt much inclined to doubt whether it could be the member for Corfe Castle who had made such a speech, and who had just sat down. Could it be he who valued consistency more than any other man? Could he have forgotten the discussion on the army estimates last year? Could he have forgotten his own proposition? Did he now end by declaring himself a friend to the very large establishment proposed by ministers. Could he, who professed the most unwearied zeal for economy, end by attacking some petty allowances to clerks. Last year the hon. gentleman was for the most extravagant economy; this year he supported the estimates of his majesty's ministers. Even he (Mr. Calcraft), though a strenuous friend to retrenchment, thought his retrenchments too extensive. Now, the hon. gentleman was surprised at the exertions of his majesty's ministers. Last year he had himself moved, that 33,000 men should be reduced; now the whole amount of his savings did not exceed 1,200*l.* or 1,500*l*, or, at the utmost, a couple of thousands! The hon. gentleman was therefore bound to state why the establishments which he had moved to be abolished last year, were necessary this year. The hon. gentleman had charged his learned friend with inconsistency, because he had remarked upon the committee's conduct in not stating the number necessary. It depended entirely on the discretion of the committee to have done this, for they were invited to do that among other purposes of their appointment. In not entering into numbers the committee had acted properly; he was not then a member of the committee, and was therefore entitled to say that they had acted discreetly. The hon. gentleman felt sore that his learned friend had made any remarks upon the report. Did the hon. gentleman expect that the report could pass without canvass? His learned friend had said nothing more than he was justified in saying. He, too, would say, that the committee did give the best colouring to the reductions that had been made, and had thus lent themselves to the purposes of ministers. His learned friend had proposed that the committee should state the income of the year. The hon. gentleman thought this unreasonable; yet he immediately added, that statements to this effect were already before the House. If so, why was the subject referred to a committee? Why was not the report made before this?—In consequence of no answer having been given to his questions last night, he should think it his duty to propose a reduction of the force. What was the reduction really made? Last year there were 149,000 men. There were now demanded 123,000 men, exclusive of officers. The reduction was thus: 26,000 men; in money, about 1,800,000*l.* The hon. gentleman had promised his vote if any part of this force could be shown to be unnecessary; he would therefore undertake to show that there were more men in these estimates than were necessary. He would drop the term rank and file, as technical and professional: besides, the number of officers was of the utmost importance in calculating the expenses of our army. The number of men, therefore, was 140,000. The noble lord opposite, and the noble secretary at war, had said much of the difficulty of keeping the forces effective; he would assert that all our establishments were more than complete. Up to the 25th of March last there were 141,262 men: or, including officers, upwards of 160,000 men. It was the business of gentlemen on the other side to show that this force was necessary. He would restate, that in 1792 the whole force for Great Britain, old colonies, and Ireland, was 44,000 men. The force now was 85,976 men. The 12,600 men for the new colonies, and the 25,000 men in France, he left out. In his opinion, 10,000 men, rank and file, might be spared of this number. But a year had passed since the hon. gentleman had proposed a much larger reduction. A larger reduction, he believed, might be effected; but as it might be argued, that a greater reduction might be attended with inconvenience, he would propose only 10,000. This proposition was most moderate, and still allowed 30,000 more than the peace establishment of 1792. In 1792, the whole peace establishment was 6,200,000*l.*, so that the army estimates alone of the present year exceeded by 400,000*l.* the whole expenses of the state 25 years ago. He contended, that the force was still infinitely too large. Never was the country in a state of greater security. Never was the peace of Europe placed on a firmer foundation. We had an army in France, together with the forces of our allies. We held the peace of that country in our own hands. The natural consequences should be, a reduction of our military establishments, an economical attention to our resources, and steady application of relief to every difficulty and distress in the country: so as to establish our prosperity in peace, or to be prepared for unavoidable war. Economy in peace, he would maintain, was the best preparation for war. The internal difficulties of the country had a great effect on the minds of many. He did not yield to this so much as many of his friends; yet he admitted there was a spirit abroad that required attention; but military force, although grounds of alarm did exist (or rather had existed, for they were now removed), was surely not the best security. The conduct of the people of this country in difficulty, privation, and distress, was unexampled for patience and submission. It was a pity, therefore, even on this account, if there were no other consideration, that their burthens should not be reduced. It was admitted by all, that taxation had a considerable share in producing the present distress. Could it be otherwise? We could neither eat, drink, walk, move, live, nor die without being loaded with taxes. When he had the honour of proposing the repeal of a salt tax, the grievous pressure of taxation was admitted, for never did the chancellor of the exchequer appear so gravelled as on that occasion. Yet those great, those expensive estimates, were now supported by the hon. gentleman (Mr. Bankes) in the face of the spirit of his former proposal, and even in the face of what he did say on the present occasion. He would therefore move, when his learned friend's amendment was disposed of, to reduce 10,000, men of the proposed force.

Mr. *Robinson* observed, that when the hon. gentleman on the floor (Mr. Bankes) arraigned the conduct of his majesty's ministers, his opinion was hailed with acclamation by the gentlemen opposite; but, when that hon. member declared that government appeared to be right, and that those gentlemen were wrong, then his opinion constantly went for nothing. Another course of proceeding pursued by gentlemen opposite was, when ministers proposed a committee on matters of this kind, to run that committee down. It was to be hunted as proper game, and to be killed as soon as possible. The hon. and learned gentleman opposite (Mr. J. P. Grant) last session objected to the discussion of the army estimates any where but in a committee and now, that a committee had been granted, nothing they did appeared to satisfy him. The hon. member who spoke last, stated, that he would convince the House that the estimates were too large; but he had not entered into any detail. He came at once to this result, that a reduction of 10,000 men ought to take place; but he did not point out where the force proposed to be employed was too numerous, nor did he state, how the troops remaining after this deduction were to be divided amongst the various branches of the service. The hon. gentleman asked, how 85,000 men could now be necessary, when, in 1792, only 44,000 troops were called for? The comparison between the two periods was not a just one, particularly as he had included the force employed in India, in his calculation, a force, it should be remarked, that was not paid by the public. When he compared the force now in India with that of 1792, it would be found to exist in the ratio of 17 to 9, which accounted for a considerable number of additional troops. In Ireland, the force was now 22,000 men, instead of about 12,000, which it was in 1792. Why, it was asked, was this addition necessary? An hon. and learned gentleman (Mr. Brougham), who delivered his sentiments last night, spoke vehemently against him and others, who voted for the Catholic Question, because they also felt the propriety of keeping up a considerable force in Ireland. "Why," said he, "should you call for so large a force, when the measure supported by yourselves, would ensure the tranquillity of Ireland?" [Mr. Brougham, across the table—"I said no such thing."]—If the hon. and learned gentleman did not mean this, he knew not how his argument bore on the state of Ireland. He (Mr. Robinson) voted for that question, because he thought it would tend to tranquillize that country; but he was not so sanguine as to imagine that it would produce a miracle—that it would insure peace and tranquillity in a moment. And, therefore, he argued, that the notorious situation of Ireland called for this accession of force. There were thus 18,000 men accounted for. With respect to the 26,000 men voted for Great Britain, it was distinctly explained, both last year and this, that the mode in which the army was now constituted, and the manner in which the forces abroad were relieved, rendered it necessary to have an increased body of men at home. This accounted for an encreased force of at least 3,000 men in England. This reduced the number employed here to 23,000 men; and he would ask hon. gentlemen, whether the situation of England, at the present moment, would warrant a reduction of the military force to the lowest imaginable scale? He had thus disposed of a considerable part of the forces now called for, compared with those voted in 1792; and, if they took the items applicable to the colonies, the difference was so trifling, that it was scarcely worth notice. There might be an increase of 2 or 300 men at Gibraltar, beyond the number there in 1792. But it should be recollected, that Gibraltar was a fortress, the works of which had been greatly extended since 1792, and consequently an additional force was necessary to meet that enlargement. There was a small addition to the troops stationed in New South Wales. In 1792, there were 2 or 300 soldiers there; which number it was now proposed to increase to 820. That surely could not be considered too great an increase, when it was recollected that the population was four or five times as large as it was in 1792, and that it was composed principally of persons, whose habits of life did not lead them willingly to submit to control. In the leeward Islands, too, a a small accession of force he conceived to be necessary. There was something in the situation of those colonies that placed them on a less firm footing, than many other of their foreign possessions. He meant not to impugn the policy of those who supported the abolition of the slave trade) the first vote he ever gave in that House being in favor of the measure of abolition), but he could not shut his eyes against the existence of a black empire in the West Indies, which, in his opinion, placed the black population of the different colonies in a situation very distinguishable from that of 1792. The contiguity of Nova Scotia and Canada to the United States was a sufficient justification for an increase, of force on those stations. With respect to Upper Canada, he could not consider it as an old province. In 1792, there were few settlers there, and, therefore, a company of men was almost force sufficient. It was then a province marked by forests and lakes—it was now a province, daily increasing in wealth and population, and, of course, required an additional force. These arguments were used last year, and appeared to be satisfactory, and he could see no reason why they should not be satisfactory now.

Sir *W. Burroughs* said, that, after one year and eleven months of profound peace, ministers came forward with an estimate of military force unexampled in this country even in war, till the last French war; certainly unexampled in any former period of peace. There was every prospect of a long peace. What, then, could we dread, or what danger could justify so large a force? It must be our internal situation, if any pretence could be offered. In this view, a comparison with the establishment of 1792 would show the extravagance of our present estimates. At that time we had to form our preparations for meeting a powerful foreign enemy, and opposing the diffusion of French principles: but even in that year, the force voted was very small when compared with the estimates for this. The whole force then for Great Britain, and her foreign possessions, was only 42,215 men; whereas the present vote was required for 92,600 men, exclusive of the troops for France and India. On what grounds could this be defended? Could it be proved that Ireland now required thrice the amount of force to aid her police that she did in a period of internal discontent, and external alarm? He would oppose these estimates as unnecessary and uncalled for. He would concur in the motion of the hon. gentleman for a reduction of 10,000 men, which, according to the data on which the estimates were formed, would effect a saving of 400,000*l.*, a sum by no means to be disregarded in the present state of our finances. It had been asked, in what part the reduction of force was recommended to be effected. To this he would answer, that it ought to be distributed over the whole of our army, wherever stationed, in proportion as the public service would allow a reduction.

Mr. *George Grant* dissented from the opinion of his noble friend the secretary at war, on other grounds than those stated by the hon. gentlemen opposite. He believed that the force proposed in the estimates was rather too small than too great. When he delivered this opinion he should be understood as alluding particularly to the numerical amount proposed for our colonial establishments. An hon. and gallant general (Walpole) had last night stated, that, in 1792, Jamaica was protected with a force only of 1,200 men, and that that was sufficient for the security of that valuable colony. The hon. gentleman might have remembered that, when he himself was there in 1795, there was a force of 5,000 in that colony, and that an army of this amount was unable, for some time, to make any impression on the insurgents, whose rebellion then endangered the island. As great a force was now necessary as at any former period, if not greater. The black population of these colonies was now in a different state than formerly. A force of 3,200 men was now inadequate for Jamaica, even although the negroes were disposed to obedience, and manifested no symptoms of discontent. To keep a body of men such as they were in due subordination, and to give security to the planters, their masters, an imposing military attitude was more than ever necessary. He would not enter into details (though with regard to Jamaica he was enabled to do so); but he thought he should lay sufficient grounds for a considerable force, when he stated, that the British capital in Jamaica that required protection amounted to 60 millions sterling. The quantity of sugar exported in 1816 amounted to 98,000 hogsheads, and paid a duty of 2,000,000*l*., employing 21,000 tons of shipping, and 5,000 seamen. The manufactures exported to the West-Indies in the same period amounted in value to 3,000,000*l*. The distressed manufacturers of this country, therefore, were relieved to that amount by the consumption of the articles of their manufacture; and though they felt the pressure of taxes to maintain our establishments, if they knew their real interests, they would be the last to propose such a reduction of force as would endanger such a market for the produce of their labour. He could not help remarking, that the people of this country were not sufficiently aware of the advantages they derived from their foreign possessions; and that colonial subjects, when they were incidentally mentioned, made too slight an impression on either side of the House. The more their value was considered, however, the more important it would appear. Great Britain had increased in prosperity, and had attained her envied political pre-eminence by the trade and resources of her colonies; and so necessary were they to maintain her in her present elevation, that he would hazard an opinion that her power and glory would not long survive their loss. From an account which had been laid on his table a few days ago, it appeared that the duties on sugar and rum alone amounted to within half a million of the ordinary charge of the whole army. Colonies that contributed so much to the wealth and resources of the mother country deserved from her the most ample protection. [Hear, hear!].

Lord *Milton* was not surprised at the warmth of the hon. gentleman, who came to the House with a greater bias to local interests, perhaps, than a general view of the empire would have given or warranted; and who naturally conceived, when measures of general good interfered with particular local arrangements, that government were negligent of their duty. He (Lord M.) looked more at general than local interests, and believed that government ought not to be swayed too much by the suggestions of individuals, who took only a partial view of matters. With regard to the subject before the House, he could not help remarking, that our force were every where increased; and a strange reason was given for the increase in some of our garrisons—as in Gibraltar; where, because the works had been rendered impregnable, we had thought it necessary to multiply their defenders. He called upon ministers to explain the necessity of this increase. To come to particulars, why was such a force to be kept up in England? Were our dangers now greater than in 1793?—If so, what had we been fighting for? We had been fighting gloriously, and as he thought wisely, but what had become of the fruits of our victories? Were our successes gained only to entail on us war establishments after they had led to peace: and not to enable us to reduce our burthens by affording us security? If the present period was fraught with more danger than 1792, and if on that ground double the force was to be maintained, he despaired of ever seeing the country enjoy a period of security, or returning to diminished taxation and peaceful habits. An hon. gentleman (Mr. Bankes), who surely now thought that we were not in that intermediate state so much talked of last year appeared disposed to support establishments now which he formerly opposed. Every one was allowed to form an opinion, and he could not help expressing his on the present occasion: which was, that the hon. gentleman opposed the proposed motion for reduction because it had not originated with himself. He was, perhaps, doing him an injustice, when he stated this opinion, as his conduct might admit of another explanation. Naturalists had amused themselves with measuring the magnitude of objects which the optics of different animals could embrace, from observations on the size of their eyes. Some could see only a small extent around them, but within that range enjoyed a microscopic vision. The hon. gentleman seemed to enjoy this species of vision. His microscopic economy could discover small extravagancies, and point out insignificant savings with wonderful precision, but he could not see large objects, or take in great reductions. If he were to measure his objects in this way, he would allow him the power of seeing comprehensively the necessity for reducing the sixth part of a clerkship, but he could not discover the reason for reducing 10,000 men. In the committee's report there was a complaint that the clerks received extra fees for drawing up the estimates. This charge the hon. gentleman recommended the abolition of; and in doing so, he thought he had gone far enough, and entitled himself to support an unnecessary, establishment of 10,000 soldiers. Such a reduction would do more good than the chancellor of the exchequer's issue of bills for the relief of the poor. The noble lord objected to the estimates from the increase which the magnitude of the force would give to the influence of the Crown. The younger branches of almost all great families would be induced to select the army as their profession, and to look on its emoluments as their provision; and the character of the country would thus be changed He pressed on government therefore to reconsider the estimates. It became the House to assist ministers in this duty, and to support them against the influence that was exerted elsewhere. He believed they would rejoice to reduce them if they could. He believed the right hon. the chancellor of the exchequer, would be glad to find that he would have, amidst his financial difficulties, diminished services to provide for. Adverting to the state of Ireland, the noble lord said, that it had of late been too much the custom to draw a veil over it. This might be prudent in the administration, as the calamities of that country had arisen from misgovernment. Why was, then, such an army to be kept up there?—because discontent and turbulence prevailed. And why did this feeling prevail?—because government had not done its duty. Wherever uneasy feelings long existed in a country, they were to be traced to mal-administration. The government had much to answer to Ireland for their conduct, if, being convinced, as some members of the cabinet professed themselves to be, that certain measures alone could save that part of the empire, and ensure its tranquillity, they neglected to carry these measures into effect, and compromised their conscience and the safety of their country for their own interests or places. A right hon. gentleman (Mr. Canning) had said, that whatever other measures were necessary to promote the quietness and welfare of Ireland, there was one point indispensable, and with that we ought to commence: and yet, though this was the opinion of the right hon. gentleman, and his noble friend (lord Castlereagh), they did nothing in consequence to show their zeal and honest endeavours but make speeches, the value of which the House could easily appreciate. With all their professions, speeches, and votes, more had been done to show the temper of government, and to strengthen the cause of the opponents of Catholic emancipation, by the last appointment to the bench of bishops,* than these two members of the cabinet had done by all their exertions. Ireland would see into their conduct, and comprehend their flimsy device, in offering themselves as her advocates. For Great Britain, he saw no reason for so large a force; the good spirit of the country was a sufficient guarantee of its tranquillity; and if any force was required, the yeomanry proceeding from the people, and therefore not objects of distrust and jealousy like regular troops, would be found effective for all the purposes of ensuring obedience to the magistrates, and affording assistance to the police. He would, therefore, vote for the amendment of his hon. friend, for the reduction of 10,000 men, in preference to the motion of a learned gentleman for postponing the estimates for three months, till the state of our finances was known. He did so because he would not allow it to be supposed that we would maintain one man more than was necessary, though we were able to do it without pressure.

Mr. *Peel* said, he had stated last year that 25,000 men would be necessary for Ireland. He thought the same necessity for the same force existed this year; and he had not heard one opinion against this position, or saying the estimate was too high. His attention had been turned to the subject of effecting every reduction; and he could assure the House, that he should find it more difficult to state why he recommended a reduction of 3,000, than why he still thought that 22,000 men should be maintained. He protested against the practice of taking the year 1792 as a criterion for establishments of every other period of peace. If he required so many troops to aid the police, or to preserve the peace of the country, it would be no answer to him that there were just so many and no more twenty-five years ago, and that they were then sufficient. The force in Ireland did not much exceed, in proportion to the force in England, its amount in 1792. After the peace of Amiens, the army in that country was 22,000 men, employed only in preserving tranquillity. For seven years after that period, including the years 1806 and 1807, it did not amount to less than 81,000 men, exclusive of the militia. He knew that this was a time of war; but the military power was in a great degree applied to the maintenance of the public peace. In the last year but one, the entire number of troops in Ireland was 40,000, it was now proposed to keep up only 22,000, making a reduction of nearly one half in less than two years. An hon. gentleman had declared, that he would not vote for one man, the necessity of whose services was not distinctly proved: but a proof of this kind was not practicable: it was not a question of science or mathematics, nor capable of a positive demonstration. He could, however, afford him the advantage of the highest military authority, which was in favour of a larger force than that now proposed to be maintained. The noble lord who had so heavily censured his majesty's government, on the ground of these estimates, might be assured that at every period of the last century a considerable force had been deemed necessary in Ireland. He had traced its amount from the commencement of that period, and had found that, except during the American war, when it was reduced by the supplies to our army abroad, it had never been so low as in the year 1792. In 1715 it was 11,000 men, and remained at this number till the year 1747. In the year 1764, the Irish House of Commons voted an address, expressing their jealousy of the large reductions which had taken place; and a message was sent down by lord Townsend, which contained a promise, that the army should be maintained at the amount of 12,000 men in future, to which an addition of 3,000 men was subsequently made; and so the establishment continued till the year 1792.—With respect to the argument, that if the Catholic question were carried, farther reductions might be safe and practicable, he could not assent to any such opinion. It was not true that this force was required for the purpose of keeping the Catholics of Ireland in subjection. It was necessary for the protection of the Catholics themselves, for the preservation of tranquillity, for the maintenance of public justice, and the defence of the lives of many persons who had become objects of vengeance, only by appearing as witnesses against criminals. He had heard it contended, that this state of things was the consequence of ages of mis-government; but he would ask, whether any recent change of policy would have justified an immediate alteration in the proposed vote? It would be his duty, very shortly, to submit a measure to the House, that would afford him the opportunity of stating on what grounds he was prepared to argue that it could have produced no such effect. The measure in contemplation would have reference to a transaction which lately occurred in the county of Down; and its object would be, not the dragooning the people, but the security of innocent and brave men against the most flagitious combinations. Let the House imagine the case of a man, whose house had been attacked only because he appealed to the laws of his country; that he had made a gallant defence, and succeeded in repelling the aggressors. Let them suppose him to decline abandoning his residence, and having obtained arms, relying on his own courage and the assistance of a relative, in the event of a recurrence of the danger; but these precautions they would have to learn were vain; that a Roman Catholic combination, of about forty, invaded his dwelling, surrounded it with combustibles, and doomed him, his son, and six inmates, to death in the flames. This, he admitted, was the most atrocious of the crimes he had yet heard of, but it was one the recollection of which must fill every heart with horror. Whilst he thus endeavoured to show the necessity of a large military force, he never meant to contend that military force alone was the proper means of governing that country. Penal laws, likewise, might check, but could not eradicate the evil. He should ever be willing to lend his aid in revising and improving the system of the administration. It must be obvious that he could have no interest in swelling the amount of the estimates, for the civil government of Ireland had no share of the military patronage. Let the House look at the present staff, and they would find it much less than when the force was of twice the amount. He might be taunted with the suggestion that this had little to do with the immediate question; but it at least showed that the imputation which had been thrown out against his majesty's government, of being anxious on all occasions to extend the influence of the Crown, was unjust; and he only referred to it as a strong proof that they had, on the contrary, done all in their power to reduce every part of the estimates.

---

* The noble lord alluded to the elevation of Dr. Herbert Marsh to the bishoprick of Llandaff.

Mr. *Ponsonby* said, he was always disposed to attend to the observations of the right hon. gentleman; but his speech that night was one to which he could not help listening with some degree of circumspection. On questions affecting the interests of Ireland he believed him to be as perhaps he deserved to be, by far the most influential member in that House. When the right hon. gentleman, last session, defended an establishment of 25,000 men for that country, he regretted the long and manifold misgovernment under which it had laboured, and expressed a hope that his own administration would not be the means of aggravating its calamities. The right hon. gentleman had this night addressed his speech, he knew not to what, but certainly not to any facts or arguments stated on his side of the House; for he did not believe one hon. member had advised any immediate reduction in the Irish establishment. The hon. gentleman on the floor (Mr. Bankes) had approved of the labours of the committee as far as they had gone; but why had they limited their inquiries and recommendations to the discharge of a few clerks, instead of examining staff appointments and public departments? The country was now enjoying a profound peace; and yet an establishment was proposed twice as large as that maintained in 1792, when there was no yeomanry force whatever. Why was this necessary? It could hardly be from any external danger that threatened us. Of France we had military possession; Spain was in a miserable state, governed by a miserable sovereign, incapable of a single effort, and engaged in a contest with her dependencies. The powers in the north of Europe were bound to us in the strictest alliance. We had not a single enemy, nor any reason for expecting the renewal of hostilities.—He asked the House to reflect also on our naval strength and pre-eminence, as a farther security against foreign danger. It was at present equal to the combined naval power of Europe. But then he was told of the internal state of England, and that a spirit was abroad that threatened the stability of the constitution. He disbelieved the existence of any such dangerous or turbulent spirit to the degree apprehended. Distress might have driven some, in particular districts, to fall into the desperate counsels of a few mischievous individuals; but the utmost effort of their strength had been the disturbance in Spa-fields, and he could not think that a sufficient ground for doubling our peace establishment, in addition to 20,000 yeomanry. With regard to Ireland, he must again say, that he would not be responsible for advising a large reduction there at the present moment; but he believed that as long as the present system of policy was pursued, it never would be safe to lessen the establishment. If, therefore, the House was determined to maintain the system, they must have the pleasure of paying for it. The fundamental objection to these estimates was one which proceeded from a regard once generally cherished in that House—he meant a regard for the liberties of the country. Ireland had been said to be habituated to a military; whenever England became so habituated, and learned to abandon her ancient maxim of cultivating her naval resources as her best defence, her public liberty would no longer be secure. Why was the military college maintained in time of peace? It cost but 30,000*l.*, but it was a pernicious institution. He would appeal to the duke of Wellington, whether it was of use either in promoting discipline or military skill. The naval asylum had met with a different treatment; that, as belonging to a less favoured service, had been subjected to the inquiries of a committee. If the House should think proper to countenance these novel principles, the responsibility was on them; but he believed that there were few who would not live to repent of the sanction they had afforded them. He would raise his humble voice against them, as not less pregnant with danger to the liberties than to the political security of the country. One hon. gentleman had appeared to think, that some in that House cared little or nothing for the colonies, and had told them a great deal about the value of Jamaica. It was, however, rather an odd proof of its importance to our resources, that the customs on its produce amounted to 3,000,000*l.* He was aware that, its rums and sugars were very useful commodities, but it was the consumers in the mother country, and not the people of Jamaica, who paid the duties. But it was curious to observe, that wherever they cast their eyes a fund of discontent was said to exist, the danger of which was represented as an incontrovertible argument for a large military establishment. In England it was a bad spirit; in Ireland it was a similar cause; and in the colonies it was the black population. He did not put faith in these representations: Ireland might certainly be in more desirable circumstances, but the colonies were secure under proper management. He should give his support to the motion of his hon. friend (Mr. Calcraft) rather than to that of the hon. and learned gentleman, because to vote the whole establishment, for however short a time, might be construed into an admission than it was necessary.

Sir. *F. Flood* should not have thought this large establishment necessary for Ireland, had it not been for the irritating vote of Friday night. He hoped, however, that the Irish would continue to show the same patience and peaceable demeanour with which they had hitherto borne all their privations. The House should recollect how quiet Ireland had remained whilst mischievous demagogues were instigating the populace here to outrages and disturbances. Under these circumstances he did not think they deserved the stigma which the late vote had thrown upon them; for no country could always be well disposed, which was deprived of the benefit of the laws.

Mr. *J. P. Grant* said, that if the House would permit him he would save them the trouble of dividing, by withdrawing his motion, in order that his hon. friend might have an opportunity of making the motion for a reduction of the number of the forces of which he had given notice.

Leave was given to withdraw the motion; but the Speaker observed, that a motion for the reduction in the amount of the force could not now be regularly put, as that part of the report had been agreed to.

Mr. *Calcraft* said, he would then propose the recommitment of the report, with the view of making a motion of reduction. With respect to the forces in Ireland and India, he should not, after what he had heard, persist in proposing any reduction. Under the circumstances in which Ireland was now placed, he was sorry to say that he did not consider 12,000 men too much for that country, and he could not propose any diminution in the number of 8,000 for India: but there still remained 20,000, from which reductions might be made, and he thought it would be a wise policy to deduct 10,000 from that number: 3,000 men had been mentioned by the noble secretary as requisite for reliefs, but that number he thought quite unnecessary. He then moved that the report be recommitted.

Lord *Ebrington* could not help noticing the great inconsistency between the arguments which had been used that night, and those recently advanced, respecting Ireland. It would be recollected, that when the noble secretary of state moved the suspension of the Habeas Corpus act, he expressly excepted Ireland from its operation, on the ground, that that country was in a state of tranquillity. After that declaration, the House must have heard with great surprise, the state of Ireland assigned that night as requiring coercive measures. With regard to Great Britain, those who had referred to the year 1792 as affording an example of the amount of military force necessary, had been answered, that the state of the country was now very different. His opinion, however, was, that a difference was not in the people, but in the ministers of the Crown, who had, during the present session, shown such a disposition to curtail the constitutional rights of the subject, and to establish arbitrary measures, which were totally uncalled for.

Lord *Castlereagh* said, that what he had stated with regard to the situation of Ireland was this—that he saw no reason for applying there the measures which were necessary in this country: but in making that statement, he distinguished between that system of organization which unhappily prevailed here, and that derangement of the public peace in Ireland which rendered it necessary to distribute the military force over the whole country. He certainly had never thrown out any idea that a diminution of the force in Ireland was practicable. Having said this much on that point, he must now beg leave to remind the House, that though they were to proceed to decide on a motion for recommitting the report, that question was brought forward for the purpose of letting in one respecting numbers. The hon. gentleman who proposed to bring forward this question, had, however admitted that no reduction could be made in Ireland or in India. It must fall, then, on the colonies or Great Britain; but the hon. gentleman had not pointed out any colonies in which he thought reductions could be made. Did he conceive it possible, that the whole force in Great Britain could be reduced to the extent of 10,000 men? This surely could not be suggested; and yet there was no other quarter to which his scheme of reduction could be applied; for if he could point out colonies in which reductions might be made, it was obvious that the troops could not be brought home within the time to which the resolution which had been voted extended. He was confident that when the alterations were considered, which had taken place since 1792, with respect to the increase of the fortresses of the country, the size of the metropolis, the guards of the country, and the troops employed in the collection of the revenue, that the number of troops for Great Britain could not be reduced. At any rate this must be obvious to every one, that the hon. gentleman could not take 10,000 men from the force employed in Great Britain, and leave enough for the ordinary duties of the home service.

Mr. *D. Browne* was of opinion, the force proposed to be kept up in Ireland was not greater than the circumstances of the country required.

The House divided on Mr. Calfraft's motion: Yeas, 56; Noes, 144.

List of the Minority.

Abercrombie, hon. J.
Althorp, viscount
Atherley, Arthur
Bennet, hon. H. G.
Burroughs, sir Wm.
Barnett, James
Brougham, Henry
Calvert, Charles
Campbell, gen. D.
Carew, R. S.
Carter, John
Caulfield, hon. H.
Duncannon, visc.
Douglas, hon. F. S.
Fazakerly, Nic.
Fergusson, sir R. C.
Fitzroy, lord John
Gordon, Robert
Grant, J. P.
Grenfell, Pascoe
Guise, sir Wm.
Hamilton, lord A.
Heron, sir R.
Hornby, E.
Jervoise, J. P.
Latouche, Robt.
Latouche, R. jun.
Lamb, hon. W.
Lemon, sir Wm.
Lloyd, J. M.
Lyttelton, hon. W. H.
Milton, visc.
Newport, sir John
North, D.
Nugent, Lord
Newman, R. W.
Osborne, lord F.
Ossulston lord
Parnell, sir H.
Ponsonby, rt. hon. G.
Plunkett, rt. hon. W.
Powlett, hon. W.
Prittie, hon. F. A.
Ramsden, J. C.
Russell, lord Wm.
Russell, R. G.
Sefton, earl of
Smith, Wm.
Spiers, Arch.
Tavistock, Marquis
Tierney, rt. hon. G.
Walpole, hon. G.
Waldegrave, hon. W.
Warre, J. A.
Webb, E.
Wilkins, Walter

TELLERS.

Calcraft, John
Ebrington, visc.

PAIRED OFF.

Mackintosh. sir J.

HOUSE OF LORDS.

Wednesday, May 14.

GAS-LIGHT COMPANIES.] Lord Montfort moved the third reading of a bill for incorporating another Gas-light Company in London.

The Earl of *Lauderdale* objected to this bill, on the same principles on which he had objected to the bill for incorporating a gas-light company last year. As an individual he felt no great concern about the matter, but for the sake of the best interests of the country, he repeated his warning to their lordships not to listen to petitions of this description. If they did, they would have abundant applications, and would essentially injure the mercantile interests of the nation. In this country, wherever the profits of a concern rendered it an object to engage in it, individuals would come forward and carry on that concern in a much better manner for the public than these incorporated companies. There was no want of capital in this country for such undertakings, and the true line of policy was to allow them to be managed by private individuals, or companies, whose interests would bind them to proceed in the most careful manner, and to act in such a way as would be most beneficial to themselves and the public: but, in consequence of the facilities with which bills of this kind were passed, their lordships would be perpetually called on to incorporate companies of this description; who, by holding out the prospect of great profits to their subscribers, in the manner of lottery puffs, would entangle widows and persons unacquainted with business, and by a command of capital thus raised, would prevent the object being accomplished by private individuals or companies, who would do it in a much better and more beneficial way. He had taken occasion before to warn their lordships against these incorporations which were generally used as decoy-ducks to entangle the unwary; and the only effect of which was to throw the management of the concern into the hands of commissioners who would hardly conduct them with that degree of care and circumspection which private individuals would do. Experience proved that one application in this way only led to another; and, in point of fact, he believed that two petitions had been presented, or were about to be presented, for incorporating gas-light companies in other places. It was clear that these things were not attended with advantage to the public. Every writer on the subject of these monopolies condemned them as highly injurious to the community; even the East India company, carrying on a great and distant trade, had been condemned as pernicious to the interests of such a country as this, where there was no want of capital to carry on that trade without any such incorporation; and it was well known that the great number of incorporations, for the most trifling purposes, which had been established in the reign of king William, had been attended with fatal effects to the mercantile interests of the country. He was very far from being unfriendly to the individuals of this company, but his sense of public duty compelled him to say this much. It might be contended that it would be a hard measure to refuse to this more respectable company what they had granted to less respectable adventurers last year; but this was an argument which would always be used; and the evil would at last reach a height which must prove ruinous to the mercantile interests of the community, when there would hardly be a branch of trade of any description unfettered by some such incorporation. If he thought that the public interests required, and if he saw that he could do any good, he would persevere in making these objections; but if the legislature should be determined to disregard them, it could not be expected that he should, on every occasion, be repeating the same arguments, and calling their attention to principles with which their lordships must be as well acquainted as he was himself.

Lord *Kenyon* said, he would not have supported the bill, unless he had been satisfied that it was for the public advantage that it should pass. In the metropolis, he believed, these things were much better conducted by a competition between incorporated companies; and, as a security to the public that the object would be accomplished, 100,000*l.* had been already subscribed.

The Earl of *Lauderdale* said, he had in the committee successfully endeavoured to get that clause introduced by which the company was prevented from exercising the authority which this bill would give them, until 100,000*l.* should be subscribed; and if this clause had not been introduced, they would have given this power to a company with a debt of 11,000*l.*, and almost without a halfpenny to carry on the trade.

The *Lord Chancellor* said, that if it was by the exertions of the noble earl that this clause was introduced, that noble earl had done the public a great service. He happened judiciously to know, that there could hardly be a greater evil than allowing such companies to begin their operations until such a sum had been subscribed as would afford some security that the object would be completely carried into effect.

The bill was then passed.

HOUSE OF COMMONS.

Wednesday, May 14.

IRISH GRAND JURY PRESENTMENTS.] Mr. *Cooper* said, that among the many evils that would result from postponing the Grand Jury Presentment bill, there was none that would be more felt than the want of the regulations therein proposed for treasurers and collectors of public money; before, however, he adverted particularly to that object, he would take the liberty of making a few observations upon other matters connected with it. And first he would once more, and once for all, deny that he had exceeded his duty in bringing forward a comprehensive measure; the very words of the report of the committee recommended a comprehensive measure. One great evil arising from the grand jury laws as they stand was the want of a previous examination into the necessity or expediency of the works proposed to be executed. This part of the evil was proposed to be remedied by submitting these matters to a previous meeting of magistrates—the principal objections he had heard to this part of the bill was as to the power given to magistrates in some cases to cancel such proposed presentments as they did not approve; this might have been a very fit subject of discussion in a committee; his opinion had been hitherto governed by the idea that if there was no power given to these meetings they would not be attended by the principal gentlemen whose presence was so desirable.—The next part of the subject he would notice was the proposed meeting of the grand jury for the consideration of the civil business of the country, disentangled from the criminal business and other important matters; the difference of opinion that he had found on this part of the subject was as to the time, some thinking that it should be before, and others after the general assize business—this also would have been fit matter for discussion in a committee; his reason for preferring the former was, that by that means they should have the advantage of the control of the judges, without inconvenience to those personages. With respect to the circuit surveyor which was recommended, and whose appointment was to be independent of grand juries, his idea was to place all buildings of any importance and all other matters from which jobs usually arose, such as laying out roads, cutting down hills, &c. under his control—one objection that he had heard to this appointment was, that it would not be in the power of any surveyor to go through the labour; to which he begged leave to answer by referring to the report of the surveyor on the Highland Roads, by which it appeared that a Mr. Mitchell, a surveyor, reported upon 3,000 miles of roads and bridges in one year; no circuit surveyor in Ireland would have one fourth of that labour to go through—it was owing to the want of a responsible office of this description that plans were bad, estimates inadequate, public works badly executed, and that in numberless instances private convenience was preferred to public advantage.—With respect to the printing work done for the use of grand juries, he had observed so much inaccuracy, such a total dereliction of the form enjoined by law, that he had had it in contemplation by the bill to recommend printing work to be done by the king's printer; he was however aware that this, in many instances would be a severe privation to local printers, and it was his intention to have altered this clause in the committee; he was the more induced to this as there were printed forms annexed to the bill which could not be mistaken or misunderstood.—Another measure recommended by the bill was the permitting grand juries to appoint a county attorney whose duty it should be to superintend the taking of recognizances and to defend traverses under the direction of grand juries; the losses which were sustained by the public on this account were immense, in nine times out of ten, roads running through persons grounds, instead of doing that person an injury rendered him an essential service, and yet by the traverser employing counsel, and there being no power in a grand jury to employ a legal person on the part of the county, the jury were imposed on, and the country suffered accordingly—As many misrepresentations had gone abroad as to his reason of withdrawing the bill, he felt it right to state, that as he thought he perceived much more activity (with some gratifying exceptions however) among the opponents to the bill than among its supporters, he had thought it his duty to apply to a certain quarter to see how and whether the bill was likely to be countenanced: finding himself discouraged there, he thought it better to withdraw the bill for the present, rather than give the House or himself what appeared useless trouble.—As to the proposal made by the bill to require the monies of the different counties to be paid into the bank of Ireland, there were many flimsy objections made to it, and particularly by the treasurers—they ask at whose risk is the money to be transmitted? I answer, at the risk of the treasurer; why should there be more difficulty in a treasurer remitting money to a bank than there is in a private agent who remits any sum under his own responsibility, and whose difficulties are so much greater from his receiving the money in small sums.—He came now to the subject of defaulting treasurers and collectors; three of the former, as he was informed, had failed in the past year, and as to the latter, he would refer to a printed paper he held in his hand, which contained an advertisement from the city of Cork, in which the grand jury held out the names of four defaulting collectors to the amount of upwards of 14,000*l.* at the last assizes; and it appeared by the advertisement they allowed one of these collectors his poundage to the amount of 500*l.* though his collection was not complete, and this in the very teeth of an act of parliament. He also held in his hand a schedule of the presentments levied under the direction of grand juries last summer assizes, in which appeared the following items:—"To George Biggs, esq. attorney, for sueing Henry Lysaght, late high constable, for an arrear due by him to the county 98*l.* 3*s* 9*d.* To same, for the like, in sueing Mountiford Longfield as security for do. 44*l.* 12*s* 5*d.* To same, for the like, in sueing William Starkey, late high constable, 103*l.* 0*s.* 7*d.* To same, for the like, in sueing William Warner, high constable of Bantry, and his sureties, 75*l.* 6*s* 2½*d.*" Amounting in the whole to the sum of 321*l.* 2*s* 11½*d.* Now, how stood this matter? This gentleman, after making a handsome annuity for some time out of the law proceedings, would probably recover nothing, and thus in the first instance the original sums would be lost, the enormous bills of cost would be lost, and the sums owing by those defaulting collectors would be levied over again from the public; if these were not evils and abuses he did not know what could be called so.—Mr. Cooper also took occasion to notice what appeared to him an enormous job, the giving a Mr. Colbourne 1,000*l.* fine and 300*l.* per annum for a house merely to make a grand jury room, which he was well informed was not worth more than 200*l.* fine and 70*l.* per annum.—As to the bill which it was proposed to him to bring in, besides his dislike to the bringing in a minor measure, he really thought if he was to undertake it, the probability was, they would have no act this session; he thought the best way was for those who proposed such a proceeding to him to undertake the bill themselves; in their hands it would succeed, in his it would be frittered away, and in the end it would be laid at his door, that there was not any improvement of the law this session. He begged leave to move, that an humble address be presented to his royal highness the Prince Regent for "a return of the names of the treasurers and collectors of public money in the several counties, counties of cities, and counties of towns, in Ireland, who have made default in their several collections and payments, from the 1st of January 1810, to the present time; distinguishing the sums for which they severally made default, with the amount of any sums which have been recovered from such persons, or their sureties respectively, with the names of such sureties; also the amount of any bills of cost which have been presented by any grand jury in Ireland, from the first of January 1810, to the present time, either on account or otherwise, upon any legal proceedings instituted for the recovery of, the sums due by such persons so in default, or their sureties."

Mr. *Peel* said, that he had advised the hon. member to withdraw his bill under the idea, that if the very voluminous bill which did so much credit to the hon. member's talents had gone into a committee, and had been found impracticable, so much time would have been lost, that there would have been no possibility of remedying the inconveniencies complained of during the present session. He had thought it advisable to wait till the hon. member should determine whether he would again bring forward the subject in another shape. He regretted that the hon. member had given up the subject for the present. He was, however, happy to say, that his right hon. friend (Mr. V. Fitzgerald) intended to bring forward a bill to remedy the abuses complained of. He thought a bill in the nature of an experimental measure, was better than a sudden abolition of the whole grand jury system in Ireland.

Sir *N. Colthurst* supported the motion, and thought some measure highly necessary.

General *Mathew* declared his opinion of the necessity of reforming the system of grand jury presentments, which operated as grievous and unjust taxes on the counties; but he did not think any good would be done till the sheriffs who appointed the grand juries were themselves nominated in a more unexceptionable way. The sheriffs were not nominated, as in England, from the recommendation of the grand panel, but for electioneering purposes, and the sheriff so appointed secured the influence of the ministerial candidate by appointing grand jurymen as a matter of favour. He inculcated the necessity of resorting to the system established in this country.

Sir *F. Flood* denied that at present the sheriffs in Ireland were appointed for party purposes. The out going sheriff gave three names of persons of respectability to the judges at the assizes, and soon after the chancellor and judges met to chat over together who were the fittest persons to serve the office. He denied also, especially in the county to which he belonged, that persons were chosen on grand juries for the purpose of jobbing.

Mr. *Ponsonby* thought it extraordinary to reject a bill before it had been examined by a committee; and, though he was glad that any bill was to be introduced, he hoped his hon. friend would proceed next session. With respect to the appointment of sheriff, though a change had been promised, he did not find any improvement, for the judges still took the names from the outgoing sheriff. He hoped that this would be altered, for the existing sheriff would always name those who were in the interest from which he had derived his own appointment.

Mr. *Peel* felt it necessary, as he had given a pledge to the House last session, that steps should be taken as to the appointment of sheriffs, to explain what had actually been done. On his return to Ireland, he had communicated with the lord chancellor on the subject, and directions had been given that the judges on the assizes should return three fit persons to serve the office of sheriff, from each county, This had been done, and in almost every case the first on the list had been appointed. In no instance had any party considerations biassed the choice—for instance, in the county which the gallant general (Mathew) represented, three persons had been returned by the judges. He (Mr. P.) wrote to the first on the list to say, that the lord lieutenant intended to appoint him sheriff. He declined—to the second and third. Far from consulting any party interest, a letter was written to the first on the list, that the writ would be made out for him, and he was obliged to serve. The returns of the names of the three persons had sometimes been made by the outgoing sheriff, but that was not always the case. Though thus much had been done, so convinced was he of the necessity of putting the system on an unobjectionable footing, that he had written to the lord chancellor of Ireland, as to the expediency of advising the lord lieutenant to instruct the judges to return persons recommended by the grand panel of the counties. The reform in their appointments would, he was convinced, confer an important benefit on Ireland.

Mr. *Ponsonby* said, he had heard with great satisfaction the statement of the right hon. gentleman, and thought it would be a great step towards the improvement of the state of Ireland.

Mr. *M. Fitzgerald* said, that much more had been done by the Irish government on this subject in a short time than could be expected. He thought it very proper, that the bill entirely changing the system of grand jury presentments, had not been pressed through the House without mature consideration, which could not be afforded. He advised the hon. member to bring his measure forward early in the next session, to attract the attention of the British part of the representatives, without which his efforts would probably be frustrated. The right hon. gentleman described the arrangements which he thought necessary, with a view to provide for the due execution of the law respecting grand jury presentments, and to guard against any faults or defaults on the part of county treasurers. These arrangements were; first, that security should be had from all county treasurers to the full amount of the sums which they were to receive, and that such securities should be examined and approved of by the law officers of the Crown, while the securities for barony treasurers should be examined and approved of by some subordinate authority;—2ndly, that no one who was to account to a grand jury should be allowed to act as a grand juror;—3dly, that a longer previous notice should be given of every presentment; and 4thly that an assistant judge should be appointed on each circuit, for the purpose of considering and urging all traverses, &c. with respect to presentments, and in his opinion, the accounts of expenditure upon presentments, as well as the presentments themselves, should be subject to be traversed. Such an appointment would, he was aware, increase the patronage of the Crown over the Irish bar, which patronage was already quite enough. But the appointment was indispensable to the due execution of the law, for the judges were at present unable to attend to this department, and as to the expense of the appointments to which he referred, it would not exceed for all Ireland 2,000*l* a year.

Mr. *L. Foster* objected to the provisions of the bill which had been withdrawn, as well as to some arrangements proposed by the right hon. gentleman who spoke last.

Mr. *D. Browne* strongly recommended a general survey of the land in Ireland, with a view to the fair execution of the law with respect to presentments.

Sir *J. Newport* concurred in this recommendation, and while he highly approved of the principles of the law with regard to grand jury presentments, expressed his regret to find that this law, was very much abused. The amount of the assessments under grand jury presentments was considerable, and as those assessments bore very hard upon the occupiers of land, or the peasantry, it was peculiarly necessary to provide that such assessments should not be improperly applied. Now he understood, that even within the last year, no less than three county treasurers had failed, while their securities were found inefficient to supply their defaults. This was a serious grievance, which, however, had long been suffered to prevail in Ireland. There were, indeed, great defaults in that country among public accountants, which were due for many years, and which he feared were never likely to be received, especially from the improvident manner in which securities had been arranged by those Crown lawyers whose duty it was to attend to such subjects.

Lord *Desart* maintained that the system of grand jury presentments was highly advantageous to Ireland in promoting its internal improvement.

Mr. *V. Fitzgerald* expressed his concurrence in the views of Mr. M. Fitzgerald, but thought the arrangements he proposed required consideration. As to the appointment of an assistant judge to attend to the business of presentments, he himself had suggested the necessity of such an appointment in his evidence before the committee upon the subject of presentments three years ago. But he had proposed some propositions with regard to the question before the House which he intended to submit to its consideration on Friday se'nnight, and therefore he gave notice of a motion for that day.

The motion was agreed to.

EMPLOYMENT OF THE POOR BILL]. The *Chancellor of the Exchequer* rose, to move the order of the day, that the House resolve itself into a committee to take into consideration the Employment of the Poor bill. He had introduced a considerable number of amendments into the bill, which he thought would remove some of the objections stated against the measure. He would not enter at present into the merits of those amendments, as a better opportunity would hereafter occur.

Mr. *Brougham* had, at the introduction of this measure, expressed some difficulties he felt on the subject. He feared those difficulties were still unremoved. He would willingly give the right hon. gentleman an opportunity of forwarding his bill, and reserve his remarks till it was recommitted; but a few prominent objections he wished at this time to state. First, as to the constitutional objections to the measure, he did think it extremely objectionable that a million and three-fourths of money should be issued by the government to the people at a time when we were upon the eve of an event which would call upon the people to exercise their judgment respecting the character and measures of that government—he meant a dissolution of parliament, which would probably take place a few months after their rising. A second objection was as to the principle of the bill itself. It was a remedy for an evil not felt, while it afforded no remedy of the real evil that was universally and deeply felt. It was not money that was wanted; there was a superabundance of money in the country, but no employment for it. This bill only offered money, but could not find employment for the idle capital already in the country. Not only would the bill afford no remedy, but it would increase the difficulty at present felt. He had at first thought that the only effect of the measure would be to increase the funds of loans, and thus to facilitate borrowing: he was now not of that opinion, because the capital of the country was not to be increased by 1,750,000*l.*; it was only interposing the credit of government to facilitate loans. Now, the security to be exacted, he thought, would prevent any application for loans of this kind. If, indeed, the security usually required by government were not required in this case—if the government should be satisfied with such security as a private person would require—the objection was removed; but if not, he was convinced no person would apply for loans from the government which he could procure on easier terms from private persons. But if this objection were removed, still there was no real increase of capital. It was only one individual going round about to another individual to obtain a loan of capital already in the country. He did not say that there was no way of explaining the measure so as to remove those objections; yet even if they were explained, the proposed relief would be found quite inadequate. These observations he had made, from a sincere wish to promote any good that the measure might effect, and by no means with an intention to retard it by captious objections.

Mr. *Western* said, he had not been in the House when this measure was originally brought forward, but, from the fullest consideration which he was able to give it, he could see no advantage whatever that it was capable of producing; but he saw very many objections to it. The remark of his hon. and learned friend, with respect to the influence it would throw into the hands of government, in the event of a general election, he thought well worthy of consideration. One million and three-fourths distributed by ministers might certainly tend to create influence, and excite a bias that ought to be guarded against. But he felt other objections to the measure. First, it would excite expectations that must be miserably disappointed. The lower classes were naturally induced by the proposal of relief from government, to look for immediate and effectual deliverance from their present difficulties. This expectation could not be realized, and therefore the measure would cause only a cruel disappointment. Besides, it taught the poor to look at their more opulent neighbours, and to view them as, in fact, the prevention of relief being extended to them by the government. The upper classes were thus placed in a painful situation. The poor wished to obtain 20, 30, or 40,000*l.*; nothing was wanting but security. Would the House say that it was advisable to give security in such a case? The poorer classes would therefore feel great disappointment, and ascribe that disappointment to their richer neighbours. It could not, indeed, be supposed that any individuals could be found to give their security, but it was proposed to have the poor-rates mortgaged. This he thought objectionable in two points of view: first, it increased the pressure of the poor-rates, by making them the means of borrowing; next, it threw a temptation in the way of occupiers of land, to relieve themselves by mortgaging the poor-rates. This consideration he thought very material. The increasing amount of the poor-rates was most alarming; and whatever could facilitate that increase, was of all things to be deprecated. If once the system was introduced of mortgaging those rates, in vain would they expect any remedy of the evil. As to that part of the measure which related to public works, he thought it quite unavailing. His hon. and learned friend's statement, that it was not capital but employment for it that was wanting, was unanswerable. There was no capital wanting for agriculture, for commerce, for manufacturers. Nor was the project applicable, if capital were wanting.

The *Chancellor of the Exchequer* admitted, that the objections stated by the hon. and learned gentleman were not entirely removed by any thing that was done, and could not be removed by any thing that could be done; but as to the constitutional objection, it should be recollected that the money was not to be issued by his majesty's ministers individually; and the apprehension of exercising any influence through the commissioners was removed by the independent and honourable character of those commissioners. He would not now enter into the minor details, but he would mention that there were several clauses, introduced for authorizing to dispense, in certain cases, with private security, for special securities of various kinds. The general principle of the measure was, not to help those who had already credit or capital, but to give relief where there was a temporary deficiency of credit. This was in many instances the case. Whether it was occasioned, or whether it was increased, by the usury laws, he would not at present inquire. That there was great difficulty in procuring capital for promising undertakings was too notorious to require illustration.

Mr. *J. P. Grant* thought the object of this measure was of the narrowest kind; and the benefit must, therefore, be likewise very narrow. The principal benefit proposed was to supply public works with capital, where it was wanting. The undertakings which required such aid were not many. If any undertaking was really promising, capital would readily be lent upon the credit of it. For such, therefore, it was not necessary to interpose the credit of government; for those of a different character it was improper to interpose it. The evil at the present moment was too much capital. This was proved by the price of exchequer bills and the state of the funds. It was not capital, therefore, that was wanting; still less was it credit. Whatever could by this measure be got from government, could, upon the same security, be got from the market. In no way possible could this measure produce any effect, unless the amount of the exchequer bills were reduced, and they were thrown without any charge of interest into the currency of the country. If 1,750,000*l.* were thus all at once added to our present currency it would have some effect. He did not at all speak of the policy, or impolicy, of such a measure; he only said, that in no other way could the proposed interposition produce any beneficial effect. He gave the right hon. gentleman credit for benevolent intentions; but, from the first moment he heard of this project, he was convinced it could produce no public benefit.

Mr. *Rose* observed, that, after the appointment of commissioners, and commissioners of the highest character, it would be bold and enterprising indeed in the chancellor of the exchequer, or the secretary for foreign affairs, to apply to those commissioners for the promotion of any political purposes. As to what the hon. member for Essex had said, respecting the danger of charging persons with poor-rates in consequence of this measure, who would not otherwise be liable, he thought that, though some cases of this sort might happen, there could not be many. In most instances, recourse to the poor-rates could be avoided; but in some cases personal security upon the poor-rates would be required. To extend credit in this way would be of great use. There were cases within his own knowledge in which the benefit of it would be sensibly felt. He did not allude to public works: but as to public works, too, it would be of much benefit. Money could be readily obtained from private individuals, where there was a prospect of returning it in two, three, or four months; but it was not possible to obtain it upon the same terms for two, three or four years. On this account, therefore, the credit given by government would be most beneficial. The measure would, he was convinced, do great good, and occasion no inconvenience.

Mr. *Brougham* explained, that he by no means apprehended any sinister influence on the part of the commissioners. The money could not be issued all at once; the election might take place while the commissioners were sitting; many persons would intend to make application and expect assistance; in such a state of things an influence would necessarily be in operation, which the principles of our constitution required us to regard with jealousy.

Mr. *Lockhart* could not view any constitutional danger in the measure. It was not in issuing the money that he saw difficulty and danger, but in paying it back again. He was thoroughly convinced the object of the bill would totally fail. To large companies no assistance would be given, for they had already enough of capital. He understood the right hon. gentleman had abandoned the idea of taking private personal security; of this he approved. If the government could come in with private creditors, and issue extents to recover its claims, the evil would be most serious. The government would have a preference over the other creditors, and thus throw them out of their original station. He believed the hon. member for Essex had made extremely just observations on the effect of the measure, in aggravating the pressure of the poor-rates, Is effect in this view was most mischievous. It would prevent the possibility of reducing or alleviating this corroding evil. If the occupiers of land could expect relief by mortgaging the poor-rates, there would be mutual forbearance, mutual arrangements, mutual agreements, and mutual evasions, so as to destroy the best interests of the poorer classes. Wherever security could be given, that was, wherever distress was not extreme, we should do what we could. Where relief was indispensable, it was rather a national concern, and national relief should be afforded; but in general, rather than increase the corroding evil that now formed such an alarming part of the national distress, he thought, if he might use the expression, that "we ought to work out our own salvation."

The *Chancellor of the Exchequer* explained, that personal security was not abandoned; it was only put under certain modifications.

The House having resolved itself into a committee upon the bill, the chancellor of the exchequer said, he thought that was a fit time to read the names of the commissioners; they were, lord R. Seymour, sir T. Acland, Mr. W. Lamb, sir C. Edmonstone, sir James Shaw, sir J. Perring, Mr. Gooch, Mr. E. Littleton, Mr. Lutterell, Mr. C. Grant, sen., Mr. Curwen, Mr. Estcourt, Mr. Casberd, Mr. J. Smith, Mr. H. Swan, Mr. B. Harrison, Mr. Reid, Mr. Thornton, Mr. Philips, Mr. Angerstein, Mr. Baring, Mr. Joseph Tierney, and Mr. Bosanquet.

The report was afterwards brought up, and ordered to be taken into farther consideration on Tuesday.

HOUSE OF COMMONS.

Thursday, May 15.

Military Flogging.]—Mr. *Manners Sutton* said, that seeing an hon. baronet in his place, he should call the attention of the House to the circumstances of a case of military punishment which the hon. baronet had a few days ago spoken of, as having been related in the Carlisle Journal. The facts then stated by the hon. baronet were, that a private in the dragoons had married without leave; that for this he had been sentenced to receive corporal punishment; that he received a part of his sentence, and under the apprehension that he should receive the remainder, had committed suicide. Now, the facts asserted in the statement of the Carlisle Journal, which he should call a libel on the army, were incorrect. He had made inquiries on the subject, and had received a detailed account of the circumstances of the case:—a private in the 13th dragoons, stationed at Carlisle, had asked the consent of his commanding officer to marry, and had been refused. It was not to be understood by this, that if a soldier wished to marry, it was necessary that he should have the consent of his commanding officer, or that he would commit a military crime by marrying without that consent; but as the accommodations in barracks for the wives of soldiers were limited, it was necessary the officer should have a power of preventing annoyance to the respectable women who were in that situation, by the introduction of others of a different description. But, it was not merely on this account that the officer refused his consent, but it was because the man was married already. In a short time after, the man absented himself without leave for some days, in the course of which time he was married. When he returned he was tried by a brigade court-martial, and sentenced to receive 200 lashes—100 lashes were inflicted on him, and the remainder were remitted. Some days after he was found drowned, and the probability was that he had committed suicide. These were the facts in the official return; but to do justice to the officer who commanded the corps in question, he should read a letter from sir John Byng, the commander-in-chief in the northern district.—Mr. M. Sutton then read a letter from sir J. Byng, which stated the circumstances nearly in the same manner as Mr. M. S. had stated them. It stated, however, that the officer had refused his consent to the marriage, as the woman was an abandoned character. Sir J. Byng observed, that the soldier could not have committed suicide from apprehension of further punishment, as the remaining part of the sentence had been remitted; and that he did not believe he felt himself aggrieved, as he (sir J. Byng) was at Carlisle at the time inspecting the regiment, and any soldier had thus immediate means of redress—he believed that the individual had committed suicide from despair at finding himself married to a worthless and abandoned woman. Sir J. Byng concluded his letter with an eulogium on the character of brevet major M'Allister, who, from long knowledge he could assert to be incapable of oppressing a soldier under his command.

Sir *F. Burdett* said, he had not known the name of the gentleman in command at Carlisle, and of course could not have meant to cast any reflection on his conduct. It however appeared, that all the facts in the Carlisle Journal had been correctly stated, for he (sir F. B.) had not stated it as an assertion of the Carlisle Journal, but merely as a possible supposition that the man had committed suicide to avoid receiving the remainder of his sentence. He was glad to hear that the remainder of the sentence had been remitted, but the fact in the Carlisle Journal was stated, to show the mischievousness of this species of punishment at all. The facts of the case seemed to be, that a soldier had chosen to marry against the wishes of his officer, and that for this he was flogged, for though absence without leave was an offence, it was not usually so heavily punished. If the man was married before, he became liable to the ordinary laws of the country, but it was an abuse of the military law to subject him for an offence not cognizable by a court-martial. As to the motives which led to the suicide, it was impossible to speak. It was not very likely that it could have been the regret at marrying an unworthy person, whose character he must have been previously acquainted with, as it appeared it was known to the officer. It was more probable that the man felt so strongly the disgrace which had been inflicted on him, that his life was intolerable to him. As this was a symptom that this degrading system of punishment was keeping its ground, he should probably have again to bring the subject before the House.

Mr. *W. Smith* observed, that if the punishment was for absence from duty, it proceeded on just grounds; but if the man disappeared to get married, and afterwards returned to his duty, his absence ought not to have been dealt with as if he had been guilty of desertion. As the man could not have been charged with desertion, it seemed that he had been punished for disobeying his officer's injunction not to marry.

Mr. *M. Sutton* explained, that he had never mentioned the word "desertion;" he had carefully stated what was the fact, that the man had been tried for absenting himself from his duty.

The conversation here ended.

Renewal of the Habeas Corpus Suspension Act—Call of the House.] —Mr. *Ponsonby*, after observing that the present act for the suspension of the Habeas Corpus would expire in July, and that the middle of May being now at hand, a period was approaching at which, according to all experience, a number of members would retire into the country, begged to ask the noble lord opposite if it was the intention of his majesty's ministers to apply to parliament for a farther extension of the power of imprisonment which had already been given them? He hoped the noble lord would give an answer one way or the other.

Lord *Castlereagh* replied, that after the holydays, about the 1st of June, a communication would be made to the House concerning the internal state of the country; after which the same proceeding would be proposed as had taken place in the early part of the session, and it would be referred to a committee to enter into an inquiry as to the measures proper to be pursued. After the question put by the right hon. gentleman, without any wish to provoke a discussion, or to commit the House to a premature declaration of its sentiments, he felt it his duty, under the circumstances the House had been placed in by the question of the right hon. gentleman, to state, that his majesty's ministers, in the present situation of the country, thought themselves called on to propose to parliament a continuance of the measure now in operation [Cries of hear, hear!].

Mr. *Philips* said, as the matter was of the utmost importance, and demanded a full attendance, he should move for a call of the House.

Lord *Castlereagh* said, he was as willing that there should be a call as the hon. gentleman could be.

Mr. *Brougham* asked, whether it was the noble lord's intention, after the holydays, to propose a committee, as in the early part of the session, or to proceed without a committee?

Lord *Castlereagh* repeated, that a communication would be made to the House, after which a committee would be proposed for the purpose of making an inquiry, as at the beginning of the session; after which, his majesty's ministers would propose to parliament a continuation of the measure now in force.

Mr. *Brougham*.—Am I then to understand, that a committee is to inquire, and that this is to be the result of the inquiry?

Sir *F. Burdett* said, that there could be no doubt what would be the result of the inquiry. But he should first move for a list of the persons confined under the present act.

Mr. *Brougham* hoped, that some member, of more weight than himself, would give notice of a motion for an address, praying his royal highness the prince regent not to dissolve parliament while the Habeas Corpus Act was under suspension.

Mr. *Philips* then moved, that the House be called over the 2nd of June.

Mr. *J. P. Grant*, after reminding the House that the first law-officer of Scotland had stated, that the conspiracies at Glasgow were not confined to the poorer classes of the community, said, that he knew that only one person above the rank of an operative weaver had been taken up, and that person had declared that he had no communication whatever with any political clubs; 3,000*l.* had been offered for bail, in order that he might continue his occupation, but this was refused, and properly enough, as the man was charged with high treason: but he was now told, that without any farther information, the law-officers of the Crown, after having confined this man six weeks, had discharged him, without bail: so that a respectable individual had been incarcerated six weeks without cause, discharged without inquiry, and left to seek redress for the loss of his trade, character, and health, in what manner he could—[Hear, hear!].—He hoped the House would consider in what manner the powers of the act had been applied, and what was to be expected from the law-officers of the Crown. He did not impute motives, but mentioned facts, and he trusted some explanation would be given.

The call of the House was then fixed for the second of June.

STATE OF THE IRISH FINANCES.] Sir *John Newport* rose, and addressed the House, nearly as follows:

From the result of the debate of Friday, on the great question vitally affecting the peace, the happiness, the security of Ireland, and of the empire (a result which I must ever consider as seriously calamitous to the country by disconnecting the two islands in interests and in affection), I proceed this day to discuss the question of the Finances of Ireland in this House with a reluctance which I should not feel were I impressed with a conviction that the concerns of Ireland would experience here that dispassionate and deliberate consideration which their importance and magnitude imperatively demand.

Those (if any there be) who can believe that the well-being of that country affects in an inconsiderable degree, the best interests of the empire, know little of the value of Ireland in the general scale, and very inadequately estimate the unexampled efforts, military and financial, by which she has contributed, during years of extreme peril, to the common defence:

Those, on the contrary, who have known and witnessed those exertions, must be deeply impressed with the value of her services, and must feel that her great sacrifices in war demand, as an act of justice, a corresponding participation in the blessings of peace, not merely as it refers to the condition of Ireland, but as it vitally affects her connexion with Britain.

I deeply lament the decision of Friday because it proves that a majority in this House do not even now view as they ought, the baneful effects of that disorganization which centuries of bad policy and misgovernment have produced in Ireland; the misery which the old and odious principle of division has engendered, by which you have sought to perpetuate disunion as the foundation of your sovereignty, and have succeeded in estranging her from a consolidation with the interests and feelings of Great Britain.

Though greatly weakened in my confidence in the justice of the House from that decision, it is however my duty to state the claims of Ireland as connected with her Financial Concerns, and attempt to obtain for her in this respect that equitable consideration which has been denied to the other great branch of her system.

In reviewing the burthens imposed upon that part of the United Kingdom at different periods (a consideration overlooked too much from the magnitude of the affairs of the empire), it will be seen, that she took upon herself too large a share in the expenditure incident to the war, and has, now in a state of peace, a substantial, irresistible claim on the justice of the country for a fair and adequate relaxation of the pressure of taxation which has been accorded to Great Britain. If the statement be indisputable, that Ireland has made such sacrifices, then her claim for relaxation of burthens cannot be impeached.

But, in addition to the demands of justice, the interest and policy of England require that she should be so relieved, for her present unexampled state of distress has arrested the consumption of your manufactures. She cannot afford to buy from you as in her more prosperous days, and your depreciated market has felt the consequences of their depression. It is painful but instructive to review the course which Ireland has run in later years, and dispassionately to peruse the annals of that country. In the years 1781 and 1782, the period of her brightest glory, when the energy and talent of my right hon. friend (Mr. Grattan) called into life and action that proud and noble spirit which was in that crisis the guardian of the country against foreign invasion, and the steady supporter of the law's ascendancy in her internal management; when she was left unprotected by England, who declared her inability to afford protection at that memorable era of your weakness, she repelled the foe, enforced unexampled obedience to the laws, and asserted her independence. She effected all this by the enthusiastic spirit of an united people. She fled not then for refuge to the protection of a standing army, but grasped the lance and shield of a free and enlightened nation, and preserved the integrity of the British empire. The picture was too soon reversed, and a recurrence to the old, hateful system of policy encouraged by the government produced its accustomed baneful consequences. This fatal change arose in the viceroyalty of the present privy-seal (earl of Westmoreland), whose measures seeking to govern by division were adapted to poison the source of the people's happiness and affections. Who can look back on it without abhorrence? It alienated the people from each other with the active and malignant spirit of a demon—it brought down on the devoted country misery and ruin, and history will inscribe its character on her records in letters of blood. This fatal policy inordinately increased the public debt, accumulated an oppressive weight of taxes, and ultimately so embittered the state of social relations, as to drive the people to surrender that independence they had nobly won, and merge their legislature in the parliament of this country. I will not now question the course pursued by the authors of the Union. I reluctantly concurred from the deplorable situation of the nation; but under no possible circumstances would I have assented, had there existed the smallest hope of a change of system originating in Ireland which might have saved the country. She fell because her people were divided and severed from each other, and there appeared no chance of reuniting their discordant and conflicting interests, prejudices and passions. There then existed hopes, and more than hopes (since unhappily frustrated) of a change in her policy of legislation; it became thenceforth the bounden duty of an imperial parliament to see that she had equal justice and equal relief afforded to her necessities in proportion to the strength of her claim.

That the complaint which I now urge of the inadequate relief extended is well founded, I can adduce the irresistible evidence of one of your own committees—of a committee composed from the most leading and authoritative members of this House; their Report in 1815,* sanctioned by the concurrence of the noble lord in the blue ribbon, of the chancellor of the exchequer, of the hon. member for Corfe-Castle, bore testimony to her unexampled and disproportioned efforts, greatly exceeding those of Great Britain, even including her temporary and war taxes; the corollary of proportionate reduction on the return of peace cannot be controverted. Now mark the reduction afforded to the several countries in the last session. From Great Britain 17,000,000*l.*; from Ireland 320,000*l.*; and this is the measure of impartial justice which an imperial parliament dispenses to the empire! If in addition to this I shall show you that the pressure of taxation is so inordinate and unequal as to defeat even its avowed object, increased revenue, will you not pause in the continuance of such a system? Since the year 1808, Ireland has been subjected to taxes estimated to produce three millions and a half addition to her revenue, and the receipts of the last year exceeded those of 1808 by 10,000*l.*; so that for an increase of 10,000*l.* you have impoverished the country and dried up the sources of permanent revenue! Even this receipt, too, of the last year is accompanied by notification from different parts of the abandonment of articles which produce taxation to a much larger amount than the specified increase. It has been truly said that in finance, two and two do not always make four—the maxim is here most strikingly exemplified. In touching upon this topic, I do not charge my right hon. friend opposite (Mr. Fitzgerald) with proposing inadequate taxes, or an inoperative system; but I do say, that in the course pursued towards Ireland, you drew the principal and not on income, and thus taxed the people until they were compelled to defeat the tax by abandoning consumption of the taxable object—and this has been accompanied by a fruitful harvest of discontent, whilst your harvest of revenue was absolutely unproductive.

I have stated to you the case in a general view, as it respects Irish revenue, and shall again refer to it, somewhat more in detail. Let us now consider it as affecting the internal condition of Great Britain in her manufacturing interests. Amongst the principal causes of decline, which have enormously increased your poor rates, by depriving your manufacturers of employment, the loss of the Irish market for British goods (of which it was a great consumer) is most striking and prominent. You have not incurred this deprivation by competition of other countries; for against that rivalry you are secured by duties insuring your monopoly; but by your own misgovernment, which has reduced your customers to beggary. The decreased demand is most manifest in eleven leading articles of British manufacture it is not momentary, but has been during four years greatly and rapidly progressive—it has strikingly advanced with the advancing taxation of the country, and affords irresistible proof that it grows out of a system fatal to Ireland, and ruinous to Britain.

Now to the details.—In 1813 the amount of these your manufactures imported into Ireland, was 3,400,000*l.*—In the year 1816 it was reduced to 1,100,000*l.* The calculation is made on the official value, and consequently far below the real value of the goods; but it is thus stated as placing the comparison beyond the reach of doubt or cavil. In woollens the import fell off from 2,000,000*l.* to 600,000*l.*;—in leather, from 200,000*l.* to 49,000*l.*;—in wrought iron and hardware, from 340,000*l.* to 170,000*l.*;—in cottons including cotton yarn and twists from 320,000*l.* to 130,000*l.* Now all these reductions in the importation of manufactured goods from Great Britain into Ireland will be found to comprise, not articles of luxury or rare use, but essential objects of habitual consumption.†

---

* For a copy of this Report, see Vol. 30 App. p. cxiv.

† Imports into Ireland of British manufactures, official value:

	1813.	1814.	1815.	1816.
	£.	£.	£.	£.
Blankets	18,800	13,500	6,360	3,367
Carpets	22,400	14,000	7,300	5,496

If we examine the internal taxes, the same decisive symptoms of increasing poverty are apparent. In 1814, 800,000 barrels of malt, paid duty; in 1815, 670,000; in 1816, 480,000. The product of duty in home made spirits in 1815, was 1,420,000*l.* —in 1816, 1,120,000*l.* In the consumption of tea a similar deduction has been experienced,—in 1815, the duties produced 576,000*l.*; in 1816, only 442,000*l.* The effect of increased tax on wines has been strikingly apparent; the annual average of three years import, ending 1806, was 6,700 tons; of three years ending 1817, 2,882 tons. The product of duty in 1803 was 390,000*l.*; in 1816 but 191,000*l.*; whilst the rate of duty was more than doubled, not half the amount of revenue accrued to the state. The notices of farther abandonment for the years 1816 and 1817, of articles of necessity are 42,000 windows, and 10,000 fire-places—a decisive evidence of poverty; for who deprives himself of light or heat, that can continue to purchase the comfort they dispense?

The notices for giving up carriages, horses, and servants were delivered in like proportion. The disparity of taxation in a minor article heretofore of very general use was not to be overlooked—the little jaunting car in which the family of the country farmer were conveyed to public worship on the sabbath had been subjected within a few years to an increase of tax from one guinea to seven pounds; and this, too, in a moist climate, and where the parish churches (at least those in which service is performed) are thinly scattered. Thus does the tax become a bounty on abjuration.

Let us now see how the results of the financial documents uphold the report from the committee of 1815—The gross revenue of Ireland for ten years before the Union—21,614,000*l.* The average of annual taxes were 2,161,000*l.*; for ten years succeeding the union 45,679,000*l.*; the annual taxes 4,557,000*l.*; for six years ending January last 38,490,000*l.*; the annual taxes 6,416,000*l.* So that the last six years average of taxes trebles that of the first of these calculations;—and yet, in despite of these immense exertions, these disproportioned sacrifices on the part of Ireland, it became absolutely impossible for her to discharge the quota of contribution allotted by the union. With enormous taxation, accompanied by decreasing revenue, the higher orders either non-resident, or if resident, impoverished by the excessive demands of the state, abandoned their proper station in society,—their salutary influence visibly decreased; the people became hourly more disorganized and discontented with bitter and increasing hostility to the treaty which has extinguished their separate legislature. It is impossible to view this state of things without alarm. The increasing list of absentees, the diminished influence of resident gentry, conspire together to dissolve the social compact, and (in the impressive language of a right hon. friend now no more) "to destroy that beautiful gradation of ranks interwoven with each other by mutual good offices and affections which linked together civil society in Britain from the throne to the cottage."—To disturb, to derange one rank of a community so constituted must produce deformity and ultimate ruin to the whole.

But it has been alleged, that you have relieved Ireland from her debt, and assumed its payment to yourself.—Yes, you have indeed taken on you the debt, but not until the course of your finance had beggered the country, and left to her no possible means of supporting it longer;—you first caused the immense accumulation of debt which baffled all attempts to liquidate it or arrest its progress; you then take on you the debt, but leave the taxation which was intended to meet it. This may by parliamentary logic, be termed a benefit, but

---

Cottons	201,000	139,000	137,000	90,808
Woollens of different kinds	2,057,000	1,521,000	837,000	605,000
Earthen Ware	106,000	88,000	67,000	56,000
Haberdashery	166,000	143,000	111,000	79,000
Hides tanned and untanned	216,000	84,000	66,000	49,334
Hosiery	74,000	50,000	48,000	35,947
Wrought Iron and Hardware	343,000	296,000	238,000	173,000
Cotton Yarn and Twist	126,000	71,000	47,000	40,759
	3,424,200	2,491,600	1,610,160	1,162,430

The official value is greatly below the real value, as in the article of woollens, one kind is rated at 2*s.* 6*d.* per yard, the other at 14*s.*; and on those articles which pay a duty ad valorem, they are greatly underrated on entry in Ireland.

it is logic no where else [Hear, hear]. You have by this course no harvest to expect but one from which you will reap a bitter crop in the ripened discontents of the people.—When I unite this subject of extreme taxation with what (in every degree of deference to the decisions of the House) I must still conceive an unjust disregard of the other complaints of Ireland, I cannot but tremble for the consequences. I see you descending, step by step, into a systematic callous apathy, the fruits of which are already felt, and will be still more sensibly experienced.—When these well founded grounds of complaint are added to the non-fulfilment of the pledge given to Ireland at the Union, or if not a pledge (as I know the noble lord in the blue ribband dislikes that word), at least strong hopes and expectations held out at that time; relied on by those who too generously confided, but never in one instance since fulfilled;—when I consider the past and the present, I cannot but deeply feel and express my apprehension of the result.

In making this appeal to the House, I have, Sir, very inadequately discharged my duty to my country: the task should have devolved on abler advocates:—I can have little hope of making that impression which those who have more weight and authority have failed to produce in the case of Ireland amongst those members of the House who affect to look up to them as authority on all other subjects but this; on which however they are most competent to decide.—I have almost constantly resided in Ireland more than thirty years, and have personally witnessed the process of bad measures and a vicious system with their practical operation in the deterioration of the country. From this experience, I can affirm, that your present course of taxation must infinitely aggravate the general evils which unhappily prevail in its administration—it cannot increase your revenue, though it must continue to reduce (as it has already done) the source from whence that revenue is derived—it will abridge still more our scanty capital—it will uphold disunion and insubordination among the people, and certainly alienate their affections from the legislature, because they will feel themselves neglected whilst nominally under your protection, and deceived in every hope of relief which was authoritatively but delusively held out to them at the Union—[Hear, hear!].

On every ground, then, of real justice, of sound policy, of British as well as Irish interests (for rightly understood they are inseparable), the state of Ireland demands the attention of the House, and I implore that you will extend to it without further delay that consideration which its infinite importance imperiously requires; if you set any value on the affections of her people, or the stability of your connexion, you will dispense to her fair and equal measures in your general system of legislation. I now propose to you the following Resolutions:

1. " That the gross revenue levied in Ireland during ten years preceding the Union amounted to 21,614,000*l.* averaging annually 2,161,000*l.*; in ten years immediately subsequent to the Union to 45,579,000*l.* averaging annually 4,557,000*l.*; and in sixty ears ending January 1817, to 38,497,000*l.* averaging 6,416,000*l.* annually.

2. " That the annual average of revenue paid into the exchequer of Ireland from taxes, during six years ending January 1801 was 1,650,000*l.*, and in six years ending January 1817 was 4,570,000*l.*

3. " That taxes have been imposed on Ireland since the year 1808, of which the estimated produce was 3,500,000*l.* annual; and that the actual produce of nett revenue in the year 1816 exceeds that of the year 1808 in the sum of 10,000*l.* only.

4. That the produce of taxes paid into the exchequer in 1815 was 5,750,000*l.*, and in 1816, 4,540,000*l.*, being a diminution in the latter year of 1,210,000*l.*

5. " That the number of barrels of malt which paid duty amounted in 1814 to 800,000*l.*, in 1815 to 670,000*l.*, and in 1816 to 480,000*l.*

6. " That three years average of wine imported ending January 1806 was 6,700 tons, and of three years to 1817 was 2,680 tons; and that the produce of duty was in 1803, 390,000*l.*, and in 1816 but 191,000*l.* and that the rate of duty was more than doubled in the interval.

7. " That the duties on tea produced in 1815, 576,000*l*, and in 1816 but 443,000*l.*

8. " That the duty on home-made spirits produced in 1815 1,420,000*l.*, and in 1816, 1,123,000*l.*, and on foreign spirits in 1815, 54,000*l.*, and in 1816, 21,000*l.*

9. " That notices were served on the collectors for the year 1816 and 1817, of closing up 42,000 windows, and above 10,000 fire-places, and of a diminution in similar proportion, of carriages, horses, and servants, liable to duty.

§

10. "That the official value of eleven principal articles of British manufacture imported into Ireland was in 1813, 3,420,000*l.*, in 1814, 2,490,000*l.*, in 1815, 1,600,000*l.*, and in 1816 1,100,000*l.*:—of which the woollens had diminished from 2,000,000*l.*, to 600,000*l.*:—the leather from 200,000*l.* to 49,000*l.*:—the wrought Iron and hardware from 340,000*l.*, to 170,000*l.*:—and the cottons (including cotton yarn and twist) from 320,000*l.*, to 130,000*l.*

11. "That the select committee appointed in 1815 to examine into and report on the public income and expenditure of Ireland, have stated to the House, That for several years Ireland has advanced in permanent taxation more rapidly than great Britain itself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes;—the permanent revenue of great Britain having increased from the year 1801 in the proportion of 16½ to 10; the whole revenue of great Britain (including war taxes) as 21¼ to 10:—and the revenue of Ireland as 23 to 10, and in the 24 years referred to the committee as 46¾ to 10.

12. "That great Britain was relieved during the last session of parliament from payment of taxes amounting to above 17,000,000*l.*; and Ireland from taxation to the amount of only 340,000*l.*

13. "That the principles of justice, of sound policy, and of real interest, combine to impress upon the House the necessity of further reduction of the taxation of Ireland, with a view to the probable permanent increase of Irish revenue, and to the continuance of a beneficial and cordial connexion between the two Islands."

Mr. *Vesey Fitzgerald* rose and observed, that the right hon. baronet could not claim credit for such extraordinary exertions on the part of Ireland, consistently with his assertion, that the revenue had been so very materially unproductive.—It is not denied, that upon the whole of the nett revenue of the last year, as compared with the year preceding, there appears a decrease of 1,191,800*l.* This has arisen, exclusively of the revenues of the excise and customs, it being understood that above 30,000*l.* is to be deducted on account of fees received on payments made at the Treasury, the payments being much smaller in the last year than in the year 1815—the apparent receipt of the stamp and post office revenues being within 3,500*l.* of the year 1815. In fact, there has been an increase in the last year of those two branches of the revenue, for in the stamps of 1815 was included upwards of 30,000*l.* licence duty, which had been transferred to the excise; and on deducting this sum from 1815, it would leave an increase in the stamp duty of 1816 of near 30,000*l.* Out of the post office also, a large sum (I believe 20,000*l.*) was applied to the erection of the new post office, and the nett revenue decreased, while the charge of management was increased in that amount.

The decrease in the excise is owing to the reduction of the malt and spirit duty, the partial repeal of the hearth tax,—I mean that which affected the lower orders of the people—and the entire repeal of the house duty. The latter affected the lower orders exclusively.

The duty on malt in the year 1815 was 17*s.* 4*d.* per barrel. It was reduced to 9*s.* 4*d.* being a reduction correspondent with that which took place in Great Britain.—On the last year's produce, the loss that ensued was 207,580*l.* It is true, the reduction took place late in the year, and it may be said, that it is fair to take credit for only half the duty; but the reduction, it must be recollected, went to the stock on hand; and it appears from the public accounts, that there was an absolute repayment on malt of 167,135*l.* If (and the calculation would be a reasonable one) we add 8*s.* per barrel, which was the reduction upon 250,000 barrels, which were probably manufactured between the 5th July (when the duty was repealed), and the close of the year, to the 167,000*l.* which was repaid, we shall find, that to the reduction of the malt duty we may ascribe a decrease in this branch of the revenue of 267,000*l.*, besides that which was lost indirectly on malt consumed in the manufacture of spirits. But there was also a reduction of the direct spirit duty from 6*s.* to 5*s.* 6*d.* per gallon. It was adopted not only in consequence of a recommendation of a committee of the House of Commons, but in consequence of the repeal of a portion of the spirit duty in Scotland. This reduction of 6*d.* on the produce of last year occasioned a diminution of 86,400*l.* The repayment amounted to 28,000*l.*; and upon the lowest calculation, even of that which was brought to account, the decrease on malt and spirits will not be found above 270,000*l.* instead of 564,000*l.* Parliament had also in the last year exempted all houses having only three hearths from the payment of duty. He had estimated that reduction at about 15,000*l.* The repeal of the house duty he had estimated at about 20,000*l.*—in fact, he believed, he had understated them. He knew that the commissioners of taxes in Ireland estimated the repeal of these duties, as well as a partial alteration of the tax on two wheel carriages, at 50,000*l.*; but even at his former estimate, added to the duty taken off malt and spirits, it would make a sum of about 330,000*l.*, so that the actual decrease on excise and taxes, instead of being 598,000*l.* is only about 268,000*l.*, as will be seen on reference to the accounts.

With respect to the other assessed taxes, there is an apparent decrease of about 28,000*l.* to set against which, however, there is an arrear uncollected in the first quarter of the year of between 50 and 60,000*l.* of the preceding year's assessment; and it is only remarkable, amidst the general difficulty and pecuniary distress, that so small a sum remained; it had already, probably, been brought to the account of the present year; but the expressed and invariable wish of the government of Ireland had been not to press too severely on individuals at a time of embarrassment.—He should be ashamed, for the sake of swelling the apparent receipt of the last quarter, if he had done what would have aggravated the already severe pressure of taxation—it was, he repeated, quite wonderful, to look at what really was received; and he had the satisfaction to know also, that there never was a year in which there were fewer sales by distress. Did he mean by this to insinuate that the taxes were not heavy, and did not press grievously on the people? By no means; never, he believed, had they pressed more severely, and God forbid that he should say any thing which could, even in appearance, detract from the merit of a people who had borne silently, although suffering, what particularly the middling orders had borne in the last year. When, however, the decrease is spoken of, it is, as compared with the year 1815, the year of the greatest produce that ever was known, for these taxes produced in 1815, 150,000*l.* more than in 1814, and 340,000*l.* more than in the year 1811.

The diminution, it had been stated, was in the carriage duty, and in that on windows and horses. It was so. On carriages, as compared with 1815, it was above 18,000*l.* But the produce of 1815 was near 118,000*l.* and in no one year before had it ever produced 50,000*l.*, except in the year 1814, when that duty produced 82,700*l.* The same observation applies to the duty on horses. The produce of 1815, with which the last year is compared, was 104,000*l.* It had never produced before 30,000*l.* except in 1814, when it yielded near 60,000*l.* The duty on windows yielded in the last year nearly the same as in the preceding year, namely, 385,000*l.* The greatest receipt of any former year was that of 1814, when it produced 354,400*l.* In no preceding year had it been more than 250,000*l.* The decrease in the revenue of customs was only proportional to that which had taken place in Great Britain; and in Ireland, at least it must be accounted for by that general distress which has before been stated. There was an absolute want of means amongst the middling and lower classes, and thus the consumption was checked of all those articles which had been hitherto productive. It was obvious the falling off was not owing to the imposition of additional duties, as under the same rates the same articles had been productive in the two years preceding. None of those, indeed, upon which the principal deficiency had arisen had been increased since 1814, nor had any additional custom duty whatever been imposed in the last session. In the session of 1815, the only article on which any tax was imposed was tobacco, the duty on which was equalized with Great Britain.

The fairest course would be, to present to the House a statement of the articles on which the decrease had taken place. The decrease on teas was 182,000*l.* The consumption was diminished of course, and the quantity forming that consumption was of an inferior price, so that the revenue fell off in point of diminished value also.—In the year 1815, the greatest quantity was entered at the East India sale price of 3*s.* 2*d.* per pound, while in the last year the greatest quantity was entered at the East India sale price of 2*s.* 7*d.* per pound. Wines decreased 140,000*l.* in the last year, or what is the same in other words, the produce of 1818 was greater by 140,000*l.* than that of 1816, the rate of duty being alike in both periods, and no increase having been made for the last four years. He certainly considered this deficiency principally to arise from the distress of the country. He would not now argue whether the rates of duty on wine were not too high in both countries. It was one which his right hon. friend near him would have to look too. For himself, he was bound to assimilate the custom duties of Ireland to those existing in Great Britain, before he called upon England to incorporate her finances with those of a country less prosperous than herself. It was a duty he had not shrunk from in any one branch of the revenue, and if in the result he had been relieved from a scale of contribution which our means were inadequate to meet, and a consequent remission of taxes, he should not regret either the obloquy which attended the office he had held, or any other unpleasantness which had resulted from his station. But, on the wine duty he would not conceal that there had been, perhaps, an error in the manifest disproportion between it and the duty on home-made spirits. On the one, the duty is equal to the rate in England, while on home-made spirits the duty is 9*s.* in this country, and only 5*s.* 6*d.* in Ireland. Thus, in Great Britain the revenue is benefitted by the use of either, and in Ireland too great a preference is given to spirits. Whether the duty on wine ought to be reduced, or that on spirits augmented, it was not for him now to say. He was aware that the latter would tend to encourage illicit distillation, and he was conscious that the subject was full of difficulty.

The next branch that he should refer to, was the deficiency of 105,000*l.* of the duty on timber and deals, as compared with the year preceding. There was to be brought to that account, however, about 20,000*l.* of duties recovered in the month of February, which, in fact, ought to have been brought to the credit of the preceding year. This, he knew, had been the result of an investigation in the port of Dublin, where some merchants had sold goods in bond, previous to the payment of duty. He had found those duties not producing 50,000*l.* annually. In the year 1816, they had been brought up to near 250,000*l.* He had had in view that principle of policy which had been acted on in England for the encouragement of the shipping interest, and the trade with our North American colonies. He had not now documents to show what the quantities imported had been; but if the number of vessels arriving from the northern ports of Europe had diminished one-half that of vessels which invoiced with timber from our American colonies, and which, be it observed, paid no duty, had increased fourfold since 1814.

The next item he should advert to shortly:—It was that of the union duties—he meant those which had been regulated by the act of union, and which were exclusively an article of British manufacture and produce. The deficiency amounted to 52,000*l.*, and showed in itself a diminished consumption of more than half a million of value of your goods—the strongest proof that to the depression of the times the failure of our revenue was to be ascribed. To the same cause he must impute the declension of foreign spirits to the amount of 31,000*l.*, though it was not to be denied that there was besides some successful smuggling of spirits on the western coast of Ireland, since the expiration of the war, as well as of tobacco. He had gone through, as distinctly as he could, the different branches of our revenue which had been deficient in the last year, and he hoped he had stated it fairly. He trusted, therefore, that whatever difference of opinion might exist between himself and the hon. baronet, that it would not be endeavoured to infer, that an equal sympathy for the distress and pressure under which Ireland laboured was not as fully felt by him as by those who upheld the resolutions. That distress, he did sincerely believe, arose in no inconsiderable degree from the stoppage of those vents for the produce of Ireland which the war produced. Still, in justice, he must say, that under the circumstances of the empire, no relief arising from the relaxation of taxes could be expected by Ireland. It was his intention merely to state that he should negative the resolutions, leaving it to those who followed on the same side to move the previous question, if they should think it necessary.

Mr. *Ponsonby* said, that, the right hon. gentleman objected to the resolutions of his right hon. friend, because he thought they conveyed an imputation on the conduct of government and the House. His right hon. friend meant no such thing: his first object was to show the true state of the Irish finances; his second to prove that any increase of taxation, so far from increasing the revenue of that country, would only injure its resources. The right hon. gentleman had taken credit to himself, and given credit to parliament, for the liberality and wisdom of the consolidation act, with which Great Britain charged herself with a part of the debt of Ireland.

He (Mr. P.) was not disposed to allow much generosity in the measure, although he did not deny its expediency. The truth was, the consolidation could not be delayed any longer. Ireland could not pay; it was necessary for the empire therefore to support her. If Ireland could not, and if England would not, pay, the consequence would have been, that the national creditor must have gone unpaid. The consolidation, therefore, was not an act of liberality, of generosity, or deliberate policy, but one of necessity; one that arose out of poverty, the beggary, the bankruptcy of Ireland. The right hon. gentleman had said, that the duties ought not to be reduced in Ireland, because they were not higher on the same articles than here; but it should be recollected that Ireland was a poorer country than this, and of course could not afford equal taxes. The tax should be suited to the capabilities of the people to pay it. We could not tax a poor country as much as a rich one, any more than a poor man as much as a rich one. If we did so, we might have a tax, but we should have no revenue. Wine, for instance, should not be taxed so highly in Ireland as in England, because the people who would drink it were not so able to pay the duties. Tea should not be taxed so highly for two reasons; first, because the people could not pay so much; and secondly, because if the tax was equal, the facilities of smuggling were greater. The right hon. gentleman did not deny the pressure of public distress in Ireland, and he (Mr. P.) was not disposed to exaggerate it. He had abstained from making several inquiries and disclosures during the session, which he wished to have done, because he was anxious not to agitate the public feeling, when it was impossible to administer public relief. He might now appeal to gentlemen connected with Ireland, or acquainted with its situation, if its sufferings were not great and unexampled. She was reduced to such distress, that she could afford no more to the tax-gatherer. It was vain to think of levying new imposts. Nothing could be taken from the cat but the skin. This year had shown a great falling off in the revenue; the next he feared would be worse. It became parliament, therefore, to consider, if any tax could be remitted or lowered, for the relief of the people, and even for the improvement of the revenue. His right hon. friend wished to lay before the House the true situation of Irish finances, and to procure a diminution of burthen where that could be attempted. He had no other object. But he was answered by the right hon. gentleman, that the admission of his resolutions would be implying an imputation of partiality if, while England last year had received a remission of seventeen million of taxes, Ireland was relieved only to the amount of 340,000*l.* This, however, was a mere matter of fact, and the statement of it could do no harm.

Sir *H. Parnell* contended, that Ireland having, through the whole of the arduous contest in which the empire was engaged, submitted without a murmur to the severe taxation under which it laboured, had now a right to expect, and from one end of it to the other did expect, a relaxation. The window duty, when first imposed was declared to be a war tax, and though it was subsequently raised to the same standard as in England, yet now that peace had arrived, not a word was heard of its repeal. He trusted, therefore, that the chancellor of the exchequer would direct his attention to the pressure of Ireland, and most particularly to the revision of the whole system of collecting the taxes. The hearth tax, though at the Revolution exploded as to England, from its infringement on the rights of the subject, was still maintained in Ireland, and was peculiarly oppressive from the conduct of the officers employed in its collection. It had been justly observed by his right hon. friend (sir J. Newport), that the importation of British manufactures had fallen off in Ireland to the amount of two millions. And he begged to inform the House, that the export of corn from Ireland had suffered a diminution to the same amount. He was anxious to impress this coincidence on the manufacturing branches of this country, as from that consideration, they would be enabled to judge of the fallacy of their views on a measure, that on a former occasion, he had submitted to the House (the corn bill), and be at length convinced, that in proportion as they injured the agricultural interests of that country, they diminished the market for the sale of their own goods.

The *Chancellor of the Exchequer* said, that whatever might have been the nature of the resolutions moved by the right hon. baronet, and whatever might be the accuracy of the facts contained in those resolutions, he should have thought the

House in no way justified in adopting them, at a time when all the matters to which they could relate were under the consideration of a Finance Committee. The report of that committee would put the House in possession of all the facts and details on the financial situation of Ireland—a question which required much more extensive inquiry, and more deliberate and patient consideration, than could be bestowed upon it during one night's debate in the House. The speech and motion of the right hon. baronet proceeded on the assumption that the proportion borne by Ireland in the burthens of the war, should entitle that country to a remission of taxes to an equal extent with England. But it was to be recollected, that England had purchased that remission by contributing 238,000,000*l.* of taxes. Ireland was certainly fully entitled to all the praise bestowed upon her, but it surely could not be said she was entitled to a remission of taxes equal to the amount remitted in England. It was said that the window tax ought to be taken off because it had been brought in with the war and ought to end with the war. Certainly, if any other tax could be substituted for it, or if the revenue derived from this tax could be spared, then it would be very proper to take it off, but not till then. He could not by any means agree with those who thought that all the distresses of the people were to be attributed to taxation. If any proof of this was wanting, it might be found in the situation of almost every nation on the continent of Europe. In Switzerland, for instance, where there were hardly any taxes, the distress was so great that the state of Ireland, bad as it was, was one of comparative happiness. Under all the circumstances, he felt it his duty to move the previous question.

Mr. *Maurice Fitzgerald* was surprised, that the resolutions of his right hon. friend should be construed as any imputation on the financial administration of Ireland, when in the speech by which the motion was preceded, he had paid a very high compliment to the conduct of those who administered the Irish finances. The only view which his right hon. friend had in moving the resolutions, and the only ground on which he (Mr. F.) supported them was to put the House in possession of proper information as to the state of Ireland.

Sir *John Newport* closed the debate by saying, that he did not feel the least necessity of trespassing on the time of the House, for in fact, his statement remained unimpeached, either in the facts adduced or the consequent results; any attempt of that nature tending to its confutation had been completely defeated by his hon. friends. He again repeated, that he attacked the vices of the system not the financial skill of the late chancellor of the exchequer, who had extracted all the produce which could be drawn from a country so circumstanced; but in doing this he had drawn from capital, and not from income; and the result has been fatal to an impoverished people, and ultimately destructive to the revenue of which it contemplated the increase. In fixing on the year 1808 as his point of comparison with the last year, he had done so because it immediately preceded the commencement of greatly increased rates of taxation, which continued advancing till 1816, and because it succeeded the year of his (sir J. Newport's) financial measures when he left a surplus revenue of one million beyond the charges of the public debt: the revenue of the last year was of course the other point of comparison as the exchequers were now consolidated, and the whole taxes in operation. In his view it was impossible to anticipate for the future more favourable results.—As to the article of jaunting cars, even where the reduction had taken place, the increase of duty had been nearly four-fold. He would again impress on the House his sincere and decided conviction, that by continuing the present inordinate taxation they would fail to secure productive revenue but would accumulate individual distress and national misfortune; would alienate the affections of Ireland, and impair her connection with Britain.

The previous question, "That the question be now put," was moved upon each of the said motions, and negatived.

CIVIL OFFICES CONTINUANCE BILL.] The House having resolved itself into a committee on this bill,

Lord *Lascelles* observed, it had been suggested, that it might be proper to introduce into this bill a clause providing for the continuance of the parliament for a certain period, in case of the demise of the Crown. This suggestion he thought deserving of attention.

Mr. *Ponsonby* declared, that he had never contemplated any such object as that alluded to by the noble lord. His bill was intended solely to relieve persons at present holding offices in the army and navy, individuals filling the situations of justices of the peace, deputy lieutenants, and so forth, from the necessity of taking out new appointments, and, in consequence, paying very heavy fees, on the demise of the Crown. If the noble lord had any other proposition to make, it was in his power to introduce it.

Lord *Lascelles* said, the suggestion did not originate with him; it was thrown out on a former debate, he did not know by whom.

Lord *Castlereagh* said, the suggestion was thrown out by a learned gentleman (Mr. Brougham, on the other side of the House, and, under existing circumstances, it appeared to him to be worthy of serious attention.

Mr. *Tierney* did not understand what relation there was between the bill then before the committee, and the non-dissolution of parliament. Undoubtedly it would be a very pleasant thing for ministers, if, on the demise of the Crown, parliament were not to be dissolved. The noble lord seemed to feel that; and, therefore, an observation from a gentleman on his (Mr. T's.) side of the House was made the peg to hang this suggestion on. He could not conceive a more dangerous suggestion, come from whom it would. When the people, in all parts of the country, were seeking to shorten the duration of parliament, ministers, it seemed, wanted to do away one of the few opportunities that occurred of exercising their elective franchise. He differed from his right hon. friend in the provisions of his bill. He did not approve of the idea of remitting, altogether, the fees payable by certain officers to the Crown. His way of looking at the subject was this—not to suffer those fees to swell the pockets of individuals, but to appropriate them to the service of the country. He would not let many thousands be added, on the demise of the Crown, to the funds of those, who, in the ordinary course of things, would receive them, but he would have those fees carried to the consolidated fund. When he said this, he did not allude to the fees payable by officers of the army and navy, but to those which were exacted from persons holding high patent offices—which they entered, well knowing, that, on the demise of the Crown, they would be subject to this increase of expense. He was well convinced that ministers would be very glad, in the present state of the country—under the favourable circumstance of the suspension of the Habeas Corpus act —to have parliament continued; but, he trusted, the House would oppose a principle which might give the people cause to say, that in a committee on a bill for the abolition of fees, they had entertained a plan for the perpetuation of parliament. If such a measure were intended, he hoped due notice would be given to the country, that they might express their sentiments on it.

Mr. *Ponsonby* said, he had never had it in contemplation to render his measure a source of public supply. Its object was entirely limited to the relief of individuals, who, as the law stood, might be called upon to pay fees for which he saw no reason. He certainly had wished to make the bill a permanent one, but he must declare he saw no relation between its principle and that of a measure to prevent a dissolution of parliament taking place in the same event. He considered this pretended analogy, therefore, as a mere pretence; and would rather disappoint those who were looking to the bill with hope, although his majesty might yet outlive the gayest and most ambitious amongst them, than see it made the instrument of so extraordinary a design.

Lord *Lascelles* never intended to introduce any such measure in or out of the committee; although he had certainly held for a long time the opinion he had expressed. He argued, that there was an analogy between the objects contemplated by the bill, and the continuance of parliament (the government being now in the hands of the Prince Regent) on the demise of the Crown.

Sir *James Mackintosh* said, there certainly would be some analogy between the objects of the bill, and that which the noble lord adverted to, if members of parliament were appointed by the Crown and not by the people. But otherwise there was none whatever. The subject of a non-dissolution of parliament, on the demise of the Crown, ought not to be taken up lightly. If proposed at all, it ought to be proposed after sufficient notice had been given for its full consideration. The principle that, on the demise of the Crown, parliament should be dissolved was connected with one practical benefit of great importance. On every other termination of parliament, the ministers of the Crown had an advantage over their opponents; because they could choose that time for sending them to their constituents, when, perhaps, ministers had acquired a momentary popularity, and when their adversaries were, in consequence, less favoured by the country. The termination, on the demise of the Crown, was, therefore, the only termination of parliament, that was impartial and equal between both parties—as advantageous to the one as to the other. It was to destroy this advantage that the present suggestion was proposed; it was to give ministers a perpetual advantage, in choosing the time of election; and, therefore, not only now, but on every occasion, he should raise his voice against it.

Lord *Lascelles* said, the learned gentleman seemed to think him a greater enemy to the constitution than he felt himself to be. He meant not to give a perpetual advantage to ministers—the suggestion, which did not originate with him, went only to the present king and the present situation of the country, which, through the indisposition of his majesty, was governed by the Prince Regent.

Mr. *Bathurst* said, that the suggestion alluded to was thrown out by an hon. and learned gentleman (Mr. Brougham), whose voice was not a little attended to in that House, and his noble friend (lord Lascelles) had merely introduced it, on this occasion, for the consideration of the House. The right hon. gentleman then shortly argued that there was a strong analogy between the situation of those persons whom the bill contemplated, and parliament; and that, perhaps, it would be wise to extend the same measure to both.

Sir *James Mackintosh* did not mean to impugn the constitutional principle of the noble lord. All he had said was, that the tendency of the suggestion was adverse to the constitution; and nothing he had since heard could cause him to recede from that opinion. For the sentiments of his learned friend he had the highest respect, and he would listen to them with attention; but, he conceived, that it would demand his utmost powers of ingenuity to shake the conviction, so deeply rooted in his mind, that the measure alluded to was fundamentally opposite to the principles of the British constitution.

Mr. *Ponsonby* did not expect that the measure would have given rise to the views which some seemed to have taken of it. The tendency of the argument used by the right hon. gentleman that because the Prince Regent performed the duties of the Crown, the appointments made by him ought not to cease on the demise of the king, would lead to this conclusion—that these appointments ought only to fall on the demise of the Regent; but this he was sure was not meant by the gentlemen on the other side. If, however, it was to be held, that the bill went on the principle of the Prince Regent having made certain appointments, he would limit its operation solely to these appointments. When he came to reflect on what had been thrown out by the noble lord, he must confess that he was so much startled; because it went much farther than he intended when he introduced the measure, and involved questions which he had no idea of agitating.

Lord *Cochrane* did not apprehend that it would make any material difference in elections, whether the idea which had been thrown out should be adopted or not. It was well-known that the great majority of the returns to that House were carried by money; and whatever might be the circumstances under which a dissolution might take place, the same influence would prevail. He held in his hand accounts, containing charges against him which amounted to more than 5,700*l.* for one of his elections. These accounts would throw great light on the nature of elections; and it was his intention to move on Monday for a committee to examine them. He should always be against any thing which tended to abridge the rights of the people; but as parliament was now constituted, he was perfectly certain, that, in nine places out of ten, the candidate who had most money in his pocket, if he chose to spend it, would be sure to succeed.

The House was resumed, and the report received.

Lord Cochrane gave notice, that on Monday he would move for the appointment of a committee to inquire into an attempt to extort money from him under the treating act.

HOUSE OF LORDS.

Friday, May 16, 1817.

ROMAN CATHOLIC QUESTION.] The order of the day, for taking into consideration the Petition of his majesty's Roman Catholic subjects, having been read,

The Earl of *Donoughmore* rose, and addressed their lordships as follows:

It is in the first place necessary that I should apprize your lordships that I have caused to be placed upon your lordships table, two petitions, which I had the honour to present to the House during the last session upon the same subject with these which I am about to call on you to discuss. One of these, the petition of the Roman Catholic nobility, and those other respectable persons of that community who thought it expedient to approach parliament with a separate and distinct petition from the rest of the Roman Catholic body? the other, that of the prelates and clergy of the Roman Catholic church. With respect to the first of these petitions, I have received from one of the noble persons whose signature it bears, a special intimation of the earnest wish of the petitioners, that the attention of your lordships should be directed once more to their petition; and, as a proof, if any were wanted, that the Catholic clergy are equally desirous to be brought again under the consideration of the House, they have deputed two most reverend persons of the first rank in their own church, to attend the discussion of these petitions in parliament, for the express purpose of affording to the members of both Houses all necessary information, and in case of the progress of any legislative measure of relief, every aid and facility in their power. Upon the subject of these most respectable individuals, it is only necessary for me to observe, that the reception which they have secured for themselves from all those to whom they have thought it expedient to resort on the subject of their mission, sufficiently speaks their own panegyric, and does equal credit to the selection of that justly venerated body, whose fit representatives they have proved themselves to be. It is necessary, therefore, that the House should be perfectly aware that they have now before them, represented by these, their humble petitioners, the whole Catholic people of Ireland: every individual of that religious community, lay, and ecclesiastic, the peer, and the peasant, joining in the same earnest entreaty, that their greivances may be taken into consideration and redressed. I now stand before your lordships the selected, though inadequate, advocate of all my Catholic countrymen, of whatever rank or degree, of that great community of my fellow-subjects, claiming, with respectful firmness, the restitution of their political capacities—that they may be admitted once more within the bosom of the constitution of their country.

In calling your lordships attention to those petitions which I have again laid on the table of the House from no unimportant a part of the constituency of the state, after the fullest consideration of the present circumstances of the question, I have thought it to be my indispensable duty to abstain as much as possible from all generalities, as little calculated to tend to any prompt or practical results; and, instead of approaching your lordships with a triumphant statement of the merits of my Roman Catholic countrymen, their claims, and privations, I prefer to submit to your consideration the case of the petitioners rather in the shape of an answer to those arguments, a refutation of those calumnies, with which they have been industriously loaded, and never at any former period of time with greater violence and acrimony than at the present moment—of which your lordships must have been already sufficiently apprized by the reports of certain recent transactions, through the medium of the daily press—that press which is, and, as I trust, will long continue to be, the authentic expositor of all public proceedings, and the declarations of public men, notwithstanding that extraordinary crusade to which the noble secretary of state opposite, has invited the zeal of the magistracy from one extremity of the kingdom to the other, against the dissemination of every doctrine, principle, opinion, or sentiment, of which each individual justice of the peace may not happen to approve; thus erected into a sort of licenser of the press within the precincts of his own little jurisdiction, an extinguisher of the inconvenient freedom of discussion upon all subjects, religious as well as political, and that, too, by the authority and express appointment of one of his majesty's principal secretaries of state.

My lords, this question never came before you under circumstances of greater irritation of the public mind, than it does at the present time. The Catholics have to complain, that they are grossly calumniated—that they are shamefully misrepresented. The Catholics have to complain that their enemies, in endeavouring to prevent them from enjoying the benefits of the constitution, have not hesitated to malign their character. The Catholics have to complain, of abominable falsehoods which have been actively circulated against them. I myself have been furnished, gratuitously, with a collection of pamphlets on this subject; and, from their tone and temper, one would think it was the intention of the writers to revive those riots that disgraced this metropolis some years ago, or to bring back the days of bloody queen Mary. Those tracts have been industriously handed about to the members of this House of Parliament, and no means have been left unemployed to prejudice the great cause which I am about to submit to your lordships. Catholic priests and bishops have been represented in the habits of their different orders, for the purpose of ridicule, and every art has been made use of, to excite the popular feeling against them. For what, I ask, has this been done? My lords, the purpose is evident, and the course pursued is most discreditable to its author. It appears that the moment an attempt is made to relieve the Catholics, that moment every engine is set to work, to knock down the unfortunate petitioners at once, and to press them to the ground. Unfortunately, these petitioners prayed for a participation in the benefits of the constitution; if they had asked any other boon they would have been differently treated. I have hitherto complained, my lords, only of what has happened out of doors; but I must complain, certainly with great respect, that it is not out of doors alone that the work of prejudice is carried on. Feeling very high respect for the noble and learned person who presides in this House, still I must observe, that he himself did, on a former occasion, express sentiments on this subject, which were calculated to bias the minds of the noble lords who heard him. Rising up in his place, in this House, with all the authority which his high office and his exalted judicial character impart to him, he was pleased, with extraordinary warmth, to call on noble lords to attend narrowly to the subject of the Catholic claims, as they concerned the very vitals of the constitution. The noble and learned lord used a strong expression—an expression that certainly must have meant a great deal—for he never talks without a meaning. The intention, I believe, was, to brand those persons, whoever they are, who support the prayer of the Catholic petition, which I now advocate, as persons endeavouring to aim a blow at the vitals of the constitution—[Cries of "No, no!"].

The *Lord Chancellor* admitted, that he had used the words stated. He thought that these petitions did concern the vitals of the constitution—and, he was sure, if, on the one hand, the noble lord expressed opinions favourable to the Catholic claims, he would allow him, on the other, to state those sentiments which he had always held, and which, the more he considered them, he felt himself the more strongly bound to support. But, when he used the expressions in question, he begged the noble lord to believe, that he meant not to insinuate that any person aimed a blow at the vitals of the constitution. He would go as far in the march of toleration, consistently with the safety of the empire, as any noble lord in that House; and, when he spoke on the catholic petition, on a former day, he did not mean to prejudice their lordships against the question.

The Earl of *Donoughmore*—I beg to observe, with great respect, that this interruption is not strictly correct. I shall, however, again advert to what the noble and learned lord said, on a former occasion. If the noble lord has so strong an opinion on this subject (which I am sure he feels, or he would not have so expressed himself), it must be most painful to him, in the course of his daily business, in his high office of a cabinet minister of the Crown—in the daily discharge of his most important duty, as a privy counsellor—to find himself surrounded by a number of brother privy counsellors and cabinet ministers, who are in favour of the measure, and who, he conceives, are aiming blows at the vitals of the constitution. Certainly, those strong expressions do a great deal of mischief—but sometimes they may be too strong. A case may be too well proved. I trust it will appear, that, in this case, more than enough has been proved—and, notwithstanding the pains which have been taken, to prejudice these petitioners in the minds of the public, I hope the cause will at last stand erect before both Houses of parliament, and that it will meet with that candid, fair, and liberal consideration which its importance demands.

Now, my lords, in the course which I have chalked out for myself, in arguing the merits of these petitions, the first objection to which I am to apply myself, arises from a part of the subject, which it would not be quite correct to anticipate, in the commencement of the debate, while addressing your lordships as a House. The objection is one that rather suits the period, when your lordships have gone into a committee, if such shall be your pleasure. It is said, "we cannot go into a committee to examine the present state of the laws, respecting the Roman Catholics, unless you first state what securities they are ready to give to the Protestant church." Before you have got one step, in considering the claims of the petitioners—before the accomplishment of the most trifling matter—this objection is raised; which, I think, is rather an anticipation of what ought, in the proper course, to follow the committee. But it is argued, that it is not unjust to ask the Catholics—"What is your object? I will not go into a committee to grope my way in the dark, and seek out principles for you." This is, undoubtedly, a most material point in the consideration of the question. But it appears, from the public press, that securities of a three-fold nature have been devised. First, domestic nomination; next, that security called the Veto; and, lastly, a new security, which I had not heard of till the present session, the payment, by government, of the Catholic church. This has been mentioned in the public prints, as a security for the Protestant church and state, if a measure of concession were agreed to. Securities are insisted on as essentially necessary—the Catholics of the present day are greatly condemned because they have not put the security of the Veto in the front of their petition—and they are greatly maligned, because they proposed domestic nomination, which some persons have disapproved of, as ineffective and illusory? Why is it illusory? The importance of it, I contend, is most extraordinary indeed. The Catholics have offered you a security, under the name of domestic nomination—and it is asserted, that it is no new security at all. "This domestic nomination," its enemies argue, "has been, of old, the mode of electing the Catholic bishops, with hardly any exception. Why, then, do you, the advocates of this cause, offer that, as a new security, which is the established custom?" This is the argument—and, is it not an answer, and a fatal answer, to all the objections that have been made on the score of foreign influence? If the opponents of the Catholic claims state to you, that the security of domestic nomination, is illusory—quite illusory—because it has been the continued mode of electing Catholic bishops for a long time back, I want to know whether that statement does not go to the danger of foreign influence? Does it not go to prove, as the fact really and truly is, that the mode of appointing Catholic bishops in Ireland, has been, during our time—with, perhaps, two exceptions, in one of which government interfered—purely and substantially domestic? Now, though we give nothing new, looking to the present practice, yet we give a great deal in confirming for ever the principle of domestic nomination; for the idea is, to procure a *concordat* of the Pope, which shall go along with domestic nomination: and thus the Pope will be bound, hereafter, to continue that, by treaty, which the Catholics are now willing to concede. I, therefore, cannot think that this security is illusory. I think the Catholics have come forward with a sufficient guarantee. I do not say that a private body should parley with the state; but it is clear that the Catholics have done all that lay in their power to remove the apprehension of foreign influence. And so far as this security operates against the danger of foreign influence, no liberal man, I conceive, can say, that it is not satisfactory, and that it does not call for concession.

Now, my lords, on this part of the subject it is almost unnecessary for me to speak farther. If you go into the committee, for which I shall presently move, it will be just and fair to state the whole of my ideas on this question. As to the Veto, I cannot offer that. I do certainly disapprove of it, as a member of parliament, inasmuch as I do not think it right to commit the Roman Catholic prelacy and priesthood of Ireland, to the Irish provincial government. The Catholics here are more nearly connected with the body of the state than they are in Ireland. The government of this country is not by deputy. The royal personage resides here, and has his ministers about him. The government of Ireland is conducted by a representative of the sovereign; and, if the great power of the Veto were conceded, the worst consequences might be produced. That power would not be possessed by the lord lieutenant: it would be exerted by some great parliament man or other, who is thinking more of making speeches and getting into the House, than of studying the peace of the country—and the ecclesiastical business of Ireland would at length be left to some third or fourth-rate clerk in the Castle-yard. Now, I do not think it right to leave the Catholic clergy open to such influence. I am myself a magistrate, and, in the most troublesome times, I can assert, with truth, the Catholic clergy are the best magistrates the government can look to. There are no persons in the country to whom the lovers of peace and order are more indebted than to the Roman Catholic clergy. So true it is, that, if they were not to intermix with their neighbours—if they were not to do what they have been in the habit of doing for many years past—it would not be possible to carry on the due administration of justice in Ireland. I wish to make them look, not to the Castle-yard of Dublin—not to political intrigue for advancement in their church—I want to make them look, as they do at present, to the due performance of their duties as the proper road to preferment. I have fairly stated my objections to the Veto. The language of the Catholics is strongly against that measure—but were they all in favour of it, I should feel it my duty, to express my opposition to it.

Next came the payment of the Catholic church by the state. I object also to this proposition. I will not, my lords, sanction political intrigue between the Catholic clergy and any body whatsoever. They are desirous of no other stipend but what they receive for their religious labours, from those for whose service they exert themselves—they desire no other remuneration than that which is the just reward of meritorious conduct in the performance of their laborious duties. I, therefore, neither offer the Veto, nor this mode of payment, as the price of the readmission of the Catholics to their constitutional rights. But it is fair, my lords, that I should state what measure I would propose to adopt on this occasion. My measure is, a direct and absolute domestic nomination. Having guarded the church by that nomination, from the small remainder of foreign influence—having made the election, by the choice of the prelates in that country, purely national and domestic—my next step would be, to create the closest connexion between the Roman Catholics and their Protestant brethren; I should then throw open to the Roman Catholics, under the Protestant government, every office, without exception of any kind whatever, saving only such situations as appertain to the government or patronage of the established church. In doing this, I should hope and trust, that the Protestant church would be, beyond a doubt, fully and clearly left to the sole and exclusive management of the Protestant clergy—and I cannot conceive why your lordships should have any difficulty in yielding to the Catholics, the equally exclusive administration of their own religious affairs. This is the measure which I mean to propose for the concurrence of your lordships, if you shall be pleased to go into a committee.

Your lordships will be aware, that it will be necessary for me to answer those arguments against the Catholic claims that have been scattered, here and there, throughout different publications which I have lately read on this subject. My lords, the first is one of rather an extraordinary nature. It is said, that, because the existing laws deprive four millions of subjects of their constitutional rights, it is dangerous to revise them. "Take care," say those who reasoned in this manner, "how you meddle with this subject; it relates to the rights and claims of four millions of people. If the Catholics of Ireland were a small body of men, their situation might be ameliorated; but consider how Ireland is circumstanced with respect to her population. There are four million of Catholics in that country—take care how you meddle with them." This is a most singular argument. There are certainly, in Ireland, four million of Catholics—a million and a half of Protestants—and half a million of Dissenters. The Catholics represent eight-tenths of the population of that country of which I am a native. Now, it must be a great object with every good member of the British Union, to make all parts of it as productive as he possibly can; and, therefore, the greater the body of subjects who complain of grievances, the greater should be the anxiety to relieve them. Admitting this to be the fact can your lordships imagine that the argument which I have just stated has been used against considering these petitions at all? It has been, however, so used—although it ought to be considered as a conclusive argument, to call on your lordships for an immediate consideration and settlement of this question. Another objection, and one of singular injustice, has been urged by those whose experience of Catholic fidelity ought to have taught them better. "Take care," say they, "how you enter on the consideration of those petitions. Take care how you proceed any further towards the relief of the Catholics;—for you know not how attentive their clergy are to every thing that promises to extend their political power. Their prelates meet for the purpose of administering the affairs of the college of Maynooth—but, when the matters connected with education are transacted, instead of retiring to their respective dioceses, they put their heads together, and discuss business of a political nature." This, my lords, has been brought as a serious charge, elsewhere, against the Catholic clergy. Their performance of an important duty, in a most exemplary manner—their attention to the interests of a seminary, with which they are peculiarly connected—has been assailed as a fit subject of censure. In any other case, you would say, " the conduct of these individuals calls for the highest praise." But here a different course is pursued. The Catholic clergy are accused of ostensibly assembling for purposes connected with education; but, in reality, to devise plans for the attainment of political power. " First," say their accusers, " they meet to transact the business relative to the Roman Catholic establishment at Maynooth—and then they turn their attention to any thing which appertains to policy. Next, my lords, it is said, that the clergy have so great a power over the opinion of the Catholic population, that the latter will certainly follow them on all occasions. I wish I could say that they really did possess such an influence over the minds of the Catholics. It would be the best thing of which I could inform the House for that part of the united kingdom. I am extremely sorry the clergy have not that sort of weight which they are described to have; because, whatever weight they possess, they have always thrown it into the scale of good order and obedience. I believe, no persons are more ready to execute their duties than those individuals, and no duties, I am sure, can be better performed, in the united kingdom, than those which fall to the lot of the Catholic priesthood.

I now, my lords, come to another accusation against the Catholic clergy, and another argument against any further extension of their privileges. The clergy, it is said, having been deprived of the advantages they enjoyed under the old Papal Code, their minds must be so much irritated, that, if they have the feelings of men, they must have an unconquerable hatred to any thing like a Protestant state. Now, undoubtedly, as far as the law could make these individuals hate this government and state, by whom they have been oppressed, I have no doubt whatever, that Ireland would not now have been a part of the united empire, if it had not been for their exertions. There never was an argument so destitute of fact—there never was an argument so divested even of the colour of truth, as this, which has been brought forward as a sweeping clause against the whole body of the Catholic clergy. It is the grossest and most scandalous calumny that was ever cast upon any set of men—but this calumny, unfounded as it is, was necessary, in order to make up an argument against the consideration of this question. But, my lords, suppose the statement to be true, is every person, high and low, to be punished for the faults of his clergy? Faults, I must say, which they do not possess—faults, which the very person who accused them, knew, in his heart, at the moment, did not exist.

My lords, another very curious argument has been made use of, in opposition to the Catholic claims—an argument, which I am astonished, could ever have been heard or read with patience, by any person who had a feeling of justice in his mind. The outrages of the Orangemen, in the province of Ulster, has, some how or other, with great ingenuity, been compounded into an argument against the Catholic claims. So that because a Catholic is murdered in the north of Ireland, and the murderer is acquitted by a jury of brother Orangemen, therefore, the Catholic is to be considered the guilty person, and you are not to consider the claims of the Catholic body. This was really advanced as a grave argument—and was, it seems, well received by those who were hostile to the interest of the Catholics elsewhere. The case was put in this way:—" A Catholic comes to the house of an Orangeman, and takes away his arms. The Orangeman recovers them back—fires at the Catholic, who is wounded or killed. Cross-indictments are preferred—the jury (we cannot wonder—a jury of brother Orangemen), of course, acquit the delinquent—and, because the Protestant is tried on a capital indictment, and, from his connexions is acquitted, it is argued that no blame whatever attaches to him. This is the case, and the justice of it. My lords, upon this subject, I cannot avoid making a few observations. In a case, in which the law of the land was shockingly violated—in which a Roman Catholic had been murdered—though the facts were perfectly clear, the jury, without hesitation, acquitted the prisoner. What did the Solicitor-general say, on that occasion?

"Well, gentlemen, I thank God it is your verdict and not mine." Some how or other, strange as it may seem, it seems to have been expected, that the want of subordination, the want of decorum, the want of obedience to the law, which has been introduced into my unhappy country, is a reason for not going into this question. I cannot conceive how such a perversion of argument can be listened to, even for a moment.

My lords, another argument which has been advanced, in order to defeat the prayer of the Catholic petitions, is, that the petitioners ought not to be reinstated in their rights, because the pope has restored the order of jesuits. That society was proscribed, formerly, because it consisted of persons who were ambitious of power, by the sovereigns who feared their machinations. I cannot help, however, saying, with respect to that body of men, that, so far as learning is concerned, no set of individuals ever existed, to whom the world has been more indebted than to the jesuits. And, though they may formerly have exercised their acquirements for the purpose of effecting other objects, I do not think that any great danger can now be apprehended from them. Nor do I know how it interferes with the people of this country, whether the order of jesuits is restored by the pope or not.

But, my lords, the pope has done another thing, it seems, which bears a little more, though certainly not much, on the Catholic cause. He has published an anathema against sending forth the Holy Scriptures without the commentary. Now, I say, if it can be shown, that reverend divines, of high rank in this country, have held a similar principle, then this act cannot be alleged against the head of the Catholic church, as an intolerant one. But the fact is, that there are great differences of opinion, in this country, with respect to the manner of carrying into effect the benevolent and very excellent object of the Bible Societies. The point has long been a subject of controversy, whether the bible should be sent forth, with, or without an accompaniment. The most sincere members of our church have had, on this subject, a considerable difference of opinion. Now, my lords, are the whole body of Roman Catholics to be found guilty on this indictment preferred against them, because the pope has published such an anathema? Take care, my lords, how far you carry this principle—because it may cut deep—it may even affect some highly respectable members of this House, and of the reverend bench opposite. There are, my lords, I believe, two members of that reverend bench, one of whom is now opposite to me—the other I do not see in his place—who are both strongly opposed to the system of disseminating the Bible, without a suitable comment. I wish to avoid any possible misrepresentation or mistake on this point, and to pay every possible respect to the right rev. prelate opposite. With this view, I have copied from the pamphlet published by him, on the subject of the Bible Societies, his own words. It is, it may be observed, an odd way of defending the Irish Catholics, but it certainly goes to support them against another argument which has been raised to their prejudice; and I am now endeavouring to cover myself with the shield of the established church, whilst I labour to defend the Catholics of Ireland. The words made use of by the right rev. prelate (the bishop of Llandaff), in his "Inquiry into the Consequences of neglecting to give the Prayer-book with the Bible," are these:—

"But it is urged, if you still require that the Bible, however extensively you may be willing to distribute it, should be accompanied by the liturgy, you must certainly suspect that there is danger to the established church from the distribution of the Bible alone. Here let me ask whether the Bible itself is not capable of perversion?—Whether the best of books may not be misapplied to the worst of purposes? Have we not inspired authority for answering this question in the affirmative? St. Peter himself, speaking of the epistles of St. Paul, said, 'In which are 'some things hard to be understood, which 'they that are unlearned and unstable, 'wrest as they do also the other scriptures, 'unto their own destruction.' Would St. Peter, if he had lived in the present age, have thought this admonition less necessary than in the age of the Apostles?—But if we neglect to provide the poor of the establishment with the book of Common Prayer as well as with the Bible, we certainly neglect the means of preventing their seduction from the established church. The dissenters remain dissenters, because they use not the liturgy; and churchmen will become dissenters, if they likewise neglect to use it with the people. Have the persons to whom Bibles are gratuitously distributed either the leisure or the inclination, or the ability, to weigh the arguments for religious opinions? Do they possess the knowledge and the judgment which are necessary to direct men in the choice of their religion? Must they not learn it, therefore, from the instructors? And can there be a better instructor, in the opinion of churchmen, than the book of Common Prayer?"

After this declaration, my lords, I think my unfortunate Catholic countrymen, will now stand acquitted of being singular in wishing not to have the Bible disseminated without a commentary. The pope declared that the Bible should not go forth, unattended by the general practice of the church, and the opinion of the father of the church. In the same way, some of the head members of our own church, hold, that the Bible ought not to go forth unaccompanied with the book of Common Prayer. I think, therefore, that we are acquitted of this part of the indictment. The last argument of all, my lords, is, that if you admit the Catholics to additional privileges, though you may administer the most solemn oaths to them, they will not scruple to break them. So that, if they take the only means in their power to annihilate your fears, they are not to be believed. A Catholic, therefore, who takes an oath, purging him of every objection, in order that you may grant him farther privileges, is to be disbelieved, and the indictment, as it may be called, against him, is still to remain in force. It is, my lords, a circumstance, of a most extraordinary nature, that the great name of Mr. Burke has been used, as an argument in favour of illiberality, and as a reason for refusing rights and privileges to the Catholics. Extraordinary as it is, the circumstance is not the less true. The name of Mr. Burke was, I understand, certainly used, in another place (and received with great applause), as an argument against those very liberties which he had always advocated. Now, my lords, in that very work, from which an extract was made, as an authority against that liberality, which no man ever advocated more powerfully than Mr. Burke did, sentiments were to be found, which totally overthrew the point that was attempted to be made. Wherefore recourse was had to such an artifice, I cannot conceive, except, as I suppose, it was introduced for the purpose of making Mr. Burke appear hostile to the cause of the Catholics, instead of being favourable to it. The sentence read by the person who quoted Mr. Burke's letter to sir Hercules Langrishe, is this:—

"In our constitution there has always been a difference between a franchise and an office, and between the capacity for the one and for the other. Franchises were supposed to belong to the subject, as a subject, and not as a member of the governing part of the state."

But, my lords, the individual alluded to, did not give the whole passage—for the very sentence preceding that which he was pleased to extract, for his own purpose, affords the very strongest possible authority in favour of concession, as your lordships will perceive when I read it. The sentence is as follows:—"Our constitution is not made for great, general, and proscriptive exclusions; sooner or later it will destroy them, or they will destroy the constitution."

I cannot, my lords, desire a stronger argument in favour of the Catholic claims, than this passage furnishes me with.

Having taken up so much of your lordships time, I shall now proceed to state my motion. Every body, my lords, who writes or speaks on this subject, professes that he is an enemy to exclusions; but most of them, notwithstanding, act up to the principle of exclusion, and make specious excuses for their conduct. I think, I have shown your lordships that the arguments adduced to perpetuate them, with respect to the Catholics, are not founded in truth—and it is not, I hope, necessary for me to say more, to induce your lordships to go into a committee. I shall, therefore, only move—"That this House do resolve itself into a committee of the whole House, to consider the petitions of his majesty's Roman Catholic subjects."

The Bishop of *Llandaff* [Dr. Herbert Marsh] rose, and addressed their lordships as follows:—

My lords; Though hitherto unaccustomed to speak before so august an assembly, and conscious of my inability to do justice to so momentous a subject, I yet presume to solicit your indulgence at this early stage of the debate. But, as the same subject has been repeatedly examined in this House, I will not attempt to follow the noble mover through all the various matter, which he has introduced, but will state briefly and generally the reasons which induce me to dissent from an opinion so respectably maintained.

My lords, if the question now before us were a question of *religious liberty*, I should rejoice to co-operate with the noble earl, for the attainment of so desirable an end. But the religious restraints, under which the petitioners once laboured, are already removed. And we must no longer speak of *pains* and *penalties*, as attaching to the religion which they profess, when they are empowered by the law of the land, to exercise their religious worship, and to maintain their religious opinions with the same freedom, as the members of the established church. We are not therefore concerned with the question, whether we shall extend their religious liberty; for of that liberty they are already in complete possession. We are concerned with the question, whether we shall extend their *political power*. And surely, my lords, we may venture to oppose an extension of political power without incurring, either the charge of intolerance, or the charge of inhumanity.

But, if we are now concerned with a *political* question, why (it may be asked) should religious topics be introduced into it at all? Of what importance can it be, in the discussion of a *political* subject, to inquire, whether the decrees of the council of Trent agree, or disagree, with the thirty-nine articles; whether the doctrine of transubstantiation be true, or false; whether the invocation of saints be efficacious or not. Let the errors of the church of Rome be acknowledged: let it be granted also, that its discipline is such as no Protestant can approve: and let the pope himself be condemned, as he justly deserves, for still refusing to the laity the free use of the Bible. But however erroneous may be its doctrine, or however faulty may be its discipline, yet if the tenets of that church do not prevent its members from being good subjects of the state, why should they be excluded from offices in the state? Such exclusion may be justified on the ground of *civil* delinquency. But if no such delinquency can be laid to their charge; if with all the errors of their church they are able and willing to serve the state, why are they inadmissible to employment in the state? In short, let the question of admission to civil employment be referred to its proper standard—*civil capacity* and *civil worth*.

My lords, I have now stated, in terms the most forcible which I could devise, the argument which in itself is the most powerful, that was ever advanced in favour of the present question. And if the argument, so stated, admits a satisfactory answer, I trust your lordships will deem it unnecessary to go into the proposed committee. I am ready then to meet the question on the ground most favourable to the petitioners: I am ready to assume, as a fundamental proposition, that admission to *civil* employment should be determined by *civil capacity* and *civil worth*.

But, before we attempt to judge by the standard here proposed, we must make ourselves acquainted with that standard. We must examine all the various qualities, which constitute civil capacity and civil worth. For among those various qualities, there may be some, which in themselves are not of a civil nature; there may be some even of a religious nature. But, if the religion, professed by one man, renders him a more useful member of the state, than the religion professed by another, surely the one is better qualified, than the other, to conduct the business of the state. And though the state ought not to punish men for religious opinions, unless those opinions are injurious to the state itself, it has an undoubted right to trust the management of its own affairs exclusively to those, in whom it has reason to confide. It is still their *civil capacity* their *civil worth*, which determines the choice of the state, whatever be the ingredients, which enter into the composition of *civil capacity* and *civil worth*.

Let us now apply our standard to the respective cases, of churchmen, of Protestant dissenters, and of members of the church of Rome. The allegiance of the churchman is *entire*: he acknowledges the king as supreme, in matters ecclesiastical, as well as civil. The Protestant dissenter acknowledges only his *civil* supremacy, which is acknowledged also by the members of the church of Rome. So far therefore the two latter stand on a footing of equality. But if the civil allegiance of Protestant dissenters receives not, like that of the churchman, an accession of strength from ecclesiastical allegiance, it is not exposed to such a drawback, as operates with the members of the church of Rome. If a Protestant dissenter acknowledges, either an individual, or any body of men, as forming the spiritual head of his own party, such person or persons are still the subjects of his sovereign. But if a church is governed by a foreigner, who has neither dependence on nor a common interest with, the king of the country, the *civil* allegiance of those, who belong to that church cannot fail to be weakened by their *ecclesiastical* allegiance.

Yet notwithstanding this anomaly of government, notwithstanding this confusion of foreign with domestic allegiance, we are told, my lords, there is no reason to apprehend, that the one should interfere with the other. We are told, that the provinces of spiritual, and of temporal obedience, are quite distinct; and therefore, that obedience to the pope in things *spiritual* can never detract from obedience to the king in things *temporal*. But, my lords, where religion and politics are so blended, as in this country, it is often difficult to determine whether the subject of dispute shall be regarded as a *civil*, or regarded as a *religious* question. The very case, which is now before us, is a case in point. Some view it in a civil light; others in a religious light. And, if the question is civil in itself, it is still so connected with religion, that it cannot be duly appreciated, without taking religion into the account. It is unavoidable therefore, that doubts should arise; whether a subject of dispute shall be considered as a *spiritual*, or considered as a temporal concern. And to *whom*, my lords, will the members of the church of Rome apply in such cases for a solution of their doubts. Why, my lords, they will apply to the self-same spiritual power, which is at issue with the temporal. Under such circumstances allegiance to the pope *must* interfere with allegiance to the king. And when it does interfere, when the soul is threatened on the one side, the body only on the other, men will yield to that authority, of which they are the most afraid. The power, which commands the conscience, will command the conduct of the man. And this power, which is a *foreign* power, the power of a foreign prince, is so easily directed by foreign intrigue to purposes subversive of our constitution, that they who submit to such a power, are hardly qualified to undertake the guidance of our constitution.

My lords, I am aware, that arguments, tending to exclusion, are in the present age condemned, as narrow and illiberal. What is called an *enlightened* policy is represented as the *best* policy: and whatever fears may be entertained in theory, the experience derived from the late example of France is supposed to have already shown, that Catholics and Protestants may be admitted alike into the councils of the state, without danger to the state. But, my lords, there is a material difference between the admission of a Protestant into the councils of a nation, where the established religion is that of the church of Rome, and the admission of a Catholic into the councils of a nation, where the established religion is that of the church of England. When a Protestant is admitted into the councils of France, the drawback of foreign allegiance does not exist. The Protestant, so admitted, acknowledges no other supremacy, than that of his lawful sovereign; he owes no other allegiance, than allegiance to *that* king, into whose councils he is called. Not so the Catholic, when admitted into the councils of a Protestant prince. *He* owes allegiance to a *foreign* sovereign; to a sovereign, who wields the powerful sceptre of religion; but whose religion is adverse, whose views therefore must be hostile, to the interests of the *domestic sovereign*.

Let us now revert to the standard, by which it was proposed to try the merits of the present question; namely, that of *civi capacity* and *civil worth*. If they, whose allegiance is thus divided and distracted, can possess the same civil capacity, the same civil worth, as they, whose whole allegiance is given to their lawful sovereign, why then, my lords, let them be admitted alike into the confidence of their sovereign; let them be admitted alike to the council of the nation; let them be admitted alike to offices of trust and power and let us grant at once, that the constitution may be as safely administered by the former, as administered by the latter. But, my lords, if it is *impossible*, that the same *civil capacity*, the same *civil worth*, which attaches to those, whose allegiance is single and entire, should attach also to those, whose allegiance is thus divided and distracted, it follows of necessity, that they are *not* alike admissible to the confidence of their sovereign, that they are *not* alike admissible to the council of the nation; that they are *not* alike admissible to offices of trust and power; and therefore my lords, that the claims, which are now advanced, ought *not* to be allowed.

I do not mean to assert, that the members of the church of Rome in this country are not good subjects. I speak only by *comparison*: I assert only, that they are not *so* good, and *so* useful subjects of the state, as the members of the establishment, or, as they themselves would be, if they would break the fetters which bind them to a foreign prince. I ascribe to them the highest respectability: I acknowledge their honour, and their integrity. But that anomaly of government, a foreign jurisdiction in spiritual concerns, distracts their allegiance, and makes them obedient to the pope, where they *ought* to be, and are probably *inclined* to be, obedient to their king.

After this general view of the subject, it can hardly be necessary to enter into single topics of minor moment. But so much stress has been laid on domestic nomination, that I cannot conclude, without a few remarks on it. Domestic nomination is a term well calculated to diminish the impression made by the apprehension of *foreign* influence. If a bishop is nominated, or elected, at home, or in his own see, whether by a chapter, or by a committee of neighbouring bishops, or by any other domestic body, such nomination or election must undoubtedly be *ascribed* to that body. But, my lords, it is well known, especially on the bench where I have the honour to sit, that a chapter may elect a bishop, without having the choice of a bishop. Domestic nomination therefore does not of itself imply domestic choice; it does not of itself exclude the exercise of foreign influence: it cannot therefore afford the security required.—[Here an observation was introduced, respecting the coadjutors of the Irish titular bishops, as connected with the subject of domestic nomination. But the speaker, being interrupted by the rising of lord Donoughmore, declared, that if the noble earl had the least objection to it, he was not only ready to discontinue that argument, but even to argue on the supposition, that the Irish titular bishops were nominated without any interference on the part of the pope. He proceeded therefore in the words, with which the paragraph concludes.] But let us suppose, that *no* foreign influence, either direct or indirect, operates *before* nomination, we shall have little reason to think ourselves secure, when we reflect on the unbounded influence, which follows *after* nomination. We shall have little reason to conclude, that a Romish bishop is entitled to the confidench of a *Protestant king*, when we read the oath of allegiance, which at his consecration he takes to the *pope*.

Let me intreat then your lordships to pause, before you determine to remove the guards, which the wisdom of our ancestors has provided against foreign influence in the councils of this nation, and which, my lords, if once destroyed, the wisdom of succeeding generations will in vain attempt to restore.

The Bishop of *Norwich* [Dr. Henry Bathurst] rose and said:

My lords;—The appointment of the learned prelate to the last vacant see, gave great satisfaction to every friend of literature and of religion; and to no one, more than to myself. I cannot, however, allow either my personal regard for him, or the real respect which I have for his abilities, to hinder me from expressing in this public manner, the deep regret which I feel at the misapplication of those abilities, in support of a proscription, the most unjust, the most unwise, the most cruel, and, in point of duration, the longest which is to be met with in the history of the world—a proscription, my lords, which excludes between four and five millions of meritorious and loyal civil subjects, from their civil privileges; though they have given to the government under which they live, the most unequivocal proofs of civil allegiance: proofs admitted to be unequivocal, by the very government which continues their exclusion; and can therefore continue it, solely on account of their conscientious adherence to the innocent religious opinions of their forefathers.

I say, my lords, innocent religious opinions (though, in our judgment, erroneous) which were impressed upon their minds, in early youth, both by precept and by example. In this intolerant country (for so it is lately become) I shall probably be censured for using the phrase, innocent religious opinions: but I should hope still, that the religious opinions of a Fenelon and a Pascal; the religious opinions of some of the most polished nations on the continent; and of several highly respectable noblemen and gentlemen of this country, with whom we are in the habit of mixing every day, in friendly intercourse; men, who possess natural understandings as clear, intellectual improvements as considerable, and moral characters as irreproachable as the best of us; I should hope, I say, that the religious opinions of such men, may be deemed innocent, without giving just cause of offence to any well informed, any liberal, or any candid mind.

Independently of this consideration, I have the sanction of the legislature itself, for making use of the phrase innocent religious opinions. In different acts of parliament which have passed during the present reign, in Ireland the religious tenets of the Catholics, are vindicated from the imputation of being either pernicious or unsocial (these are, I believe the words of the preamble), and it is added, that when they have taken the well known oath and declaration, they shall be considered as good and loyal subjects, and fit to serve his majesty. This oath, my lords, they have taken, and they have made this declaration; I therefore again say, that they are excluded from their civil privileges, solely on account of their innocent religious opinions. Upon what ground, then, does my learned friend rest his defence of a system, which, in defiance of reason and of experience, and of the general practice of other countries, makes religious opinions, and not civil conduct, the qualification for civil offices? a system, which is reprobated abroad, by every statesman, on account of its impolicy, as we were last year informed by a noble earl (Aberdeen) on this side of the House, who is a very competent judge; and is most unquestionably disapproved of at home, by every consistent friend to civil and religious liberty. My learned friend, if I understood him rightly, asserts, that an individual who objects to our ecclesiastical establishment, cannot be so good a subject, as he who approves both of that, and of our civil constitution also. To this argument, it appears to me a sufficient answer to say, cross the Tweed, or take a voyage to Canada, the Roman Catholic inhabitants of which province, not many years since, gave more than common proofs of their loyalty.

I beg your lordships pardon for intruding upon your patience; but it is probably the last time I shall ever trouble you, upon this, or upon any other occasion; and perhaps I ought not to do it now, for the question is not of a religious, but of a political nature: it is not, whether this, or that system of religious doctrines be the most scriptural, or this, or that form of ecclesiastical government be the most perfect; but, whether the union of Ireland with Great Britain, shall be nominal, or real; whether it shall be a substantial consolidation of resources, of talents, of interests, and of affection; or a mere empty delusive title; and whether the loyal, the generous, and the affectionate inhabitants of that unfortunate country, shall in future be the firmest bulwark of your empire, or the burthen and vexation of it. This, my lords, is a question, not for divines, not for lawyers, not for young and presumptuous politicians, but for sober experienced statesmen to decide; and to them I very willingly leave it, requesting only your lordships permission to make a few brief remarks upon a subject, somewhat more within my own province; I mean the domestic nomination to the Catholic bishoprics of Ireland.

Anxious to meet, not only the reasonable objections, but even the allowable prejudices of their fellow subjects, and fellow christians of the established church; the Catholics of Ireland bring forward a proposal, which proves at least a strong desire on their part, to adopt some conciliatory adjustment, which may be satisfactory to you, and not incompatible with the doctrines of their religion, or essentially injurious to its discipline. Such a desire demands most assuredly from us a corresponding spirit of moderation. The Catholics conclude, and I suppose justly, that the two great objects which the legislature has in view, are, in the first place, to ascertain the character for loyalty, and a peaceable disposition of the individual who may be nominated to a bishopric, when any vacancy occurs; and in the next place, to prevent, as far as possible, all foreign interference. The plan suggested by the petitioners, seems calculated to answer these two purposes with sufficient effect. I do not, however, mean to weary your lordships attention, by entering upon the discussion of so complicate, and in its different bearings, so extensive a subject, especially as it has always appeared to me that there is no occasion whatever for departing from the present mode of electing Catholic bishops in Ireland; and still less for accompanying an extension of civil privileges, with additional ecclesiastical restrictions, of such a nature, as in the judgment of one of the parties concerned, will materially lessen, if not entirely destroy the value of any indulgence which may be granted. In common life, we should think a man managed very ill, who did a favour with so bad a grace, as to confer no obligation upon the person who received it; and in matters of a public nature, the case is still stronger. Were it otherwise, is there, or has there been, from the time of the restoration, to the present hour any thing in the character or conduct of the Catholic bishops of Ireland, or of their clergy which calls for that alteration in their ecclesiastical discipline, which it is the design of the luminous "Report of the Secret Committee of the House of

Commons," in some shape or other, to bring about? With respect to the Catholic bishops, it would be difficult to point out any body of men, who have displayed more loyalty, upon all occasions, or who have more earnestly endeavoured to impress upon the minds of the lower orders of society, the important duty of civil obedience. Read their "Pastoral Charges;" through every page of those excellent publications, the genuine spirit of christian charity is diffused; and the beneficial effects of their exertions were acknowledged in more instances than one, by the government of Ireland. Nor are the Catholic priests of Ireland less remarkable for the exemplary discharge of their ministerial function. I speak, my lords, of what I have repeatedly seen and known. Is infancy to be instructed—is youth to be admonished—is old age to be comforted—are the consolations of religion to be administered to a dying peasant, in his last moments—the priest, however inconvenient to him, is always at his post. He traverses a wide and dreary bog, in the midst of the darkest night, and of the most tempestuous weather:—

> "No dangers fright him, and no labours tire;"

And for all this laudable performance of professional duty, he receives nothing which deserves the name of a compensation in the present life. It is, my lords, with heartfelt satisfaction, that I go out of my way to bear my humble testimony in favour of men whose merits are very much underrated; and who are but too frequently neglected by those, who, from worldly motives, should pay them attention were it not on account of the influence, which they deservedly have, over the minds of their numerous congregations; an influence, which, if properly directed, would prove incalculably useful to the government of Ireland; an influence, to which we are, at this momet, in a great measure indebted for the calm resignation with which thousands of miserable wretches bear up against an almost total want of food, of clothes, and of fire.

Such being the character and conduct of these excellent ministers of the Gospel, where, I again ask, is the expediency of making any alteration in their ecclesiastical discipline; admitting, for a moment, the right of a civil government to interfere in the ecclesiastical discipline, or doctrine, of individuals, dissenting from the established church, but maintaining no doctrines, either subversive of morality, or injurious to the welfare of the state, a right, which I was taught in early life to call in question, by two of the greatest masters of reason whom this or any other country ever produced—I mean Locke and Hoadley? It is not, however, my intention to abuse your lorships indulgence by engaging in abstract disquisitions. I shall therefore only observe further, in answer to those who say, and say most truly, that it is indispensably necessary that we should have ample security for our own civil and ecclesiastical establishment. Nothing, my lords, can be more incontrovertible than this position—nothing more just than the principle on which it rests; but surely it is a principle which ought to be applied with some reference to a reasonable apprehension of danger. It is not every idle fear—every mean and narrow suggestion of bigotry—every injurious suspicion—every ill grounded jealousy, which can justify the exclusion of five-millions of loyal civil subjects from their civil privileges. Show me, said a very able, a very eloquent, and a very honest patriot, in another place—show me the real danger, and you shall have any security you wish for. This challenge, my lords, never has been accepted, and, though no prophet, I dare venture to foretell, never will. With a man who can seriously persuade himself that the admission of six respectable noblemen into this House, and of not twenty-six into the other House of parliament, would undermine the fabric of our incomparable constitution, it is impossible to reason; there must be something more than reason at the bottom of his objections. In truth he who now talks of danger from popery, would (as Dr. Johnson observed), have cried out fire in the deluge

I shall detain your lordships no longer. You have it still in your power, by acceding to the prayer of the petitioners for civil privileges unaccompanied by Vetoism, to tranquillize one-third part of your population; and to gratify exceedingly another third part, consisting of Protestant dissenters. and of many, very many, members of the established church; but may I be permitted to add, that no time is to be lost. The Catholics of Ireland and of England also, have for more than a century, displayed a moderation, a forbearance, a meek endurance of ill, which would have done credit to any of the primitive martyrs; but it is not reasonable to expect that they will always continue equally patient and submissive; nor, perhaps, is it even to be wished that they should do so; for there is a degree of insult and oppression, which not only justifies resistance, but which makes non-resistance a tame, passive, criminal servility, unworthy of freemen, and dangerous in a free state; for slaves have ever been, and must always be, dangerous subjects. Whether the wrongs of injured Ireland have reached this degree, I shall not presume to determine; but, sure I am, that there is very little of human policy, and still less of christian charity, in approaching it so nearly.

The Bishop of *Ossory* [Dr. Robert Fowler] rose and said:—

My lords; Unaccustomed as I am to address such an august assembly as this, it will somewhat exceed my expectation if I am able to speak at all; but, my lords, I feel myself imperiously called upon by my duty to my king, by my duty to my country, and by my duty to that most pure and reformed church (of which, by divine permission and his majesty's bounty, I am one of the prelates) not to give a silent vote upon this most momentous subject.

Nothing, my lords, could exceed my astonishment at hearing my right reverend friend, who spoke last, find fault with the most excellent speech of the learned prelate who preceded him. Little did I expect to have heard any of the right reverend prelates on this bench receive something like a reprimand for defending that ecclesiastical establishment, and that Protestant religion, which we all, at our consecrations, have sworn to defend. Far, very far, indeed, be it from me, my lords, to presume to compare myself with my right reverend friend in learning; but, my lords, in memory, I may, I trust, without presumption, in some points compare myself with him; and if my memory does not greatly deceive me, Mr. Locke has asserted the very reverse of what my right reverend friend has declared him to have done. My lords, I think Mr. Locke has made use of almost these very words, "I will not grant even toleration to the Roman Catholics, because they will not grant toleration to any other sect."* I am almost certain that this is the spirit of the great philosopher, if they be not his very words. If then, my lords, this great man would not grant toleration (which God forbid that *I* should refuse) to the Roman Catholics, how can we suppose, for a moment, that he would grant them the power of sitting within the walls of parliament? No, my lords, Mr. Locke never entertained such an absurd idea. He well knew that England was, and must be governed by a Protestant king, and that she ought to be governed by a Protestant ministry, and by a Protestant parliament.

My right reverend friend has mentioned the pastoral letters of the titular prelates of Ireland as models for our imitation, inasmuch as they inculcate loyalty and christian peace. Now, my lords, I well remember one pastoral letter of the titular archbishop of Dublin (Dr. Troy), and, also, one of Dr. Lanigan, who was titular bishop, either of Ossory or of Waterford, which certainly do not merit any such encomium; and, I am certain, that were my right reverend friend to peruse them, he would not sanction the sentiments which they inculcate.

My lords, the right reverend prelate, at the latter end of his speech, uttered a sentiment which I am certain was heard by every noble lord with pain. From my long knowledge of my learned friend, and from my acquaintance with the goodness of his heart and the suavity, of his manners, I could not have believed that such a monstrous doctrine could have escaped his lips. It must, my lords, have been produced by the heat of debate, for that right reverend prelate knows too well that it is his duty, as well as that of all the prelates on this bench, to inculcate "submission to every ordinance of man, for the Lord's sake." I am confident that nothing but the heat of debate could have led him to declare, "that there was a point at which non-resistance, on the part of the Roman Catholics of Ireland, would cease to be a virtue." I have no doubt but my learned friend will qualify this unconstitutional and irreligious doctrine. How widely different is it, my lords, from that sound and truly constitutional doctrine, held by a noble earl opposite (earl Grey), in his most luminous speech the other night. The noble earl declared, "that it was for your lordships, and the other House of parliament, to legislate; and for the people to obey."

The noble earl, who introduced the Catholic petitions into this House, has told your lordships, that very inflammatory and wicked publications have been sent to the houses of, and thrust into the hands of almost every member of each House of parliament. For my own part, I can assure the noble earl, that my opinion has not been biassed by any such publications; for I have never seen them, nor have I heard of them before. I am, therefore, inclined to think that the noble earl may rest satisfied that these little pamphlets have been very harmless.

---

* Locke's First Letter on Toleration.

The noble earl has told your lordships, that although he was once an advocate for the Veto, he was now convinced that it was a measure which would never be acceded to by the Roman Catholic hierarchy; and, even if it were, the noble earl has been pleased to say, that from the frequent absence of the first secretary in England, the matter would possibly be left to a third or fourth clerk in the castle of Dublin. Fears have been expressed by the noble lord, of some great parliamentary influence appointing the Roman Catholic bishops. I confess, my lords, I see no great probability of either of these events occurring. I have never seen any nobleman who has exercised the high station of lord lieutenant of Ireland, who would so scandalously neglect his duty as to leave a matter of such moment to a third or fourth clerk; and I am perfectly convinced that neither of the noble lords immediately behind the noble earl would have so grossly misconducted themselves: and although I differ from those noble personages in politics, I entertain much too high an opinion of them to imagine them capable of being guilty of such a dereliction of duty.

The noble earl who presented the petitions of the Roman Catholics of Ireland has told your lordships that a plan, has, at length, been devised which will remove all difficulties and enable your lordships, in a committee, to frame such a bill as, whilst it shall give ample security to the Protestant, will open the door of the constitution to the Catholic. If it be so, it is, indeed, a very important discovery, and well worthy of your lordships most serious consideration. Let us, then, calmly and dispassionately consider what this scheme is. The noble earl has been obliged, at last, to confess that this mighty talisman was nothing more nor less than Domestic Nomination. Why, my lords, the noble earl knows right well, that the Protestants have enjoyed this most invaluable blessing for many many years. This boasted security has been granted by the Roman Catholics for ages—because for a very great length of time, indeed, have the Roman Catholic bishops been nominated in no other way.

As I wish as much as I possibly can, to prove to your lordships the almost utter impossibility of coming to a right understanding with the Irish Roman Catholic ecclesiastical body, who differ as much from their own opinions declared and published by their authority, as they do from me, I shall be obliged to read many documents to you on this subject, as well as on their difference of opinion with monsignor Quarantotti and the learned bishops and doctors of Rome; and I can assure your lordships, that I will quote them fairly, and "set down nought in malice." I will now, my lords, show you that the Veto was by no means considered by the Roman Catholic prelates of Ireland, assembled in Dublin on the 17th, 18th, and 19th days of January, 1799, as contrary to their religion, or as leading them into the heavy guilt of schism; nor had those titular bishops at that period, any objection to receive through his majesty's government a provision for the Roman Catholic clergy of Ireland. For, "at a meeting of the Roman Catholic prelates held to deliberate on a proposal from government of an independent provision for the Roman Catholic clergy of Ireland, under certain regulations not incompatible with their doctrines, discipline, or just influence—it was admitted, that a provision through government for the Roman Catholic clergy of the kingdom, competent and secured, ought to be thankfully accepted."

The noble earl has just now told us, that the Roman Catholic clergy ask for no remuneration, and wish for no stipend except what their flocks think proper voluntarily to give them. I must beg leave here, my lords, to observe, that I believe it will be found, that for every office performed by a parish priest, there is a regular fixed price, which the individual (however poor) must pay, if he or she will have the assistance of the parish priest. But he will return to the resolutions of the titular bishops. They continue to state, "That in the appointment of the prelates of the Roman Catholic religion to vacant sees in the kingdom, such interference of government as may enable it to be satisfied of the loyalty of the person appointed, is just and ought to be agreed to." Now, my lords, these very same Roman Catholic prelates have lately told the clergy and the people of Ireland, that they could not consent to the Veto without being guilty of schism, and that any interference whatever on the part of the Protestant government of the country, is contrary to the doctrines of their religion, so that your lordships may perceive they say one thing to-day, and unsay it to-morrow. I will leave your lordships to determine how you would act in private life with individuals who conducted themselves in this manner. I am inclined to think your lordships would have no dealings with them. The resolutions of the above date conclude thus:—" Agreeably to the discipline of the Roman Catholic church, these regulations can have no effect without the sanction of the holy see, which sanction the Roman Catholics of this kingdom shall, as soon as may be, use their endeavours to procure. The prelates are satisfied that the nomination of parish priests, with a certificate of their having taken the oath of allegiance, be certified to government." The noble earl will be so good as to remember that even in this treaty (if it may be so called) the foreign influence has the sole power: the prelates are the members, the sovereign pontiff is the head, and recognized as such in the treaty with their sovereign lord the king, and his parliament. The document I have just referred to, my lords, was signed by two of the titular arch-bishops, and several of their suffragans.

Of the other security which has been proposed, the Veto, your lordships are aware, that the Catholic Irish prelates differed most decidedly in opinion with the bishops and learned divines assembled at Rome; the former declared, that the relief bill " was utterly incompatible with the discipline of the Roman Catholic church, and with the free exercise of their religion; they say, that without incurring the heavy guilt of schism, they cannot accede to such regulations, nor can they dissemble their dismay and consternation at the consequences which such regulations, if enforced, must necessarily produce."—How, my lords, can you treat with such persons with any prospect of coming to a fair and equitable arrangement?

From an extract from the rescript of his eminence Quarantotti, we learn that " in a full council of bishops and divines after having read the letters from Dr. Poynter and from Dr. Troy (the titular archbishop of Dublin), and the matter being duly considered in a meeting convened for the express purpose; it is decreed that the Catholics should receive with gratitude, the law which was proposed for their emancipation." Here is a difference indeed between these learned doctors!

Those of Ireland knew right well, that the bill was neither incompatible with the discipline of their church, nor would it have involved them in the heavy guilt of schism. But it seems they had an insurmountable objection to any measure tending to give the slightest security to the Protestant church. To escape out of the dilemma in which they were involved with the council at Rome, they called a meeting of all the Romish parish priests and clergymen of the Archdiocese of Dublin, and I will read to your lordships their three first Resolutions, which are well deserving of notice. 1st. " That we consider the rescript of Monsignor Quarantotti as not obligatory; particularly as it wants those authoritative marks, whereby the mandates of the holy see are known and recognized, especially the signature of the pope. 2d. That we consider the granting to a Catholic government any power direct, or indirect, with regard to the appointment and nomination of the Catholic bishops of Ireland, at all times inexpedient. 3d. That circumstanced as we are in this country, we consider the granting such a power not only as inexpedient, but highly detrimental to the best and dearest interests of religion; and pregnant with incalculable mischief to the cause of Catholicity in Ireland." Here appears the truth: and the real cause of their opposition to any interference on the part of the king's government respecting the appointment of Catholic bishops, is now declared. " It would be pregnant with incalculable mischief to the cause of Catholicity in Ireland:" in other words it might impede their plans for the subversion of the Protestant establishment, and the erection of popery in its place.

I must beg leave to trouble your lordships with a statement which appeared in the Catholic official paper of that period, the Dublin Evening Post of Tuesday, May 10th, 1814, soon after the receipt of the rescript from Rome, exhorting them to receive the bill gratefully. " On Saturday many pathetic admonitions against the Papal rescript were pronounced from the different altars of this city. This (continues the statement) is a glorious instance of the liberty of the Irish church, and an answer to all those who were in the habit of accusing Catholics of a subserviency of spirit, and a blind obedience to the decrees of the Vatican. The clergymen exhorted their flocks to be patient—to remain tranquil under so severe a visitation; but to be prepared, if necessary, to sacrifice their lives, rather than surrender the freedom of their church to prelate or pope. The exhortations were heard with deep emotions of indignation, and it was easy to see that the resistance will be universal."

Here, my lords, is a true but very melancholy picture of the real state of Ireland; your lordships may exercise your legislative right of enacting laws; you may pass a bill by which you may flatter yourselves the Roman Catholics of Ireland would be greatly benefited, and even which had received the fiat of the bishop of Rome and the conclave of cardinals—and yet the Irish prelates and priests may be of a very different opinion indeed; and may tell your lordships and the other House of Parliament, that although you imagined you were conferring a favour, you were entailing upon them a curse. You may be told (as resolutions from the Roman Catholics of Kilkenny have declared), that any bill of which the Veto forms a part, is "a penal law, and a persecution, which if persisted in, would shake the British empire to its foundation."

So say the Roman Catholic clergy of the Diocese of Ossory. I, the Protestant bishop of that diocese, must take the liberty of declaring to your lordships (and I believe I might say that my clergy would unanimously agree with me in the opinion), that if you ever admit persons professing the Roman Catholic religion into the Houses of Parliament, you endanger the throne of your sovereign and his illustrious family; you endanger the Protestant establishment in England, as well as in Ireland; for nothing can be more erroneous than to suppose that the one may be overthrown, and the other continue in safety: or that there is not a most intimate connexion between the altar and the throne—they must stand or fall altogether. By acceding to the claims of the Roman Catholics, you will, in my humble opinion, endanger the existence of the British connexion in Ireland.

I shall doubtless be told by the noble lords on the other side, that the petitioners have offered to bind themselves by the most solemn oaths, (in which the clergy and laity had concurred) to support our Protestant establishment. What, my lords, the Catholic clergy swearing to support the Protestant establishment!

On this point I must confess my want of faith—"Credat Judæus Apella; haud ego;"—for my weak understanding is unable to comprehend how they can do this and adhere to the tenets of their catechism of Trent, which contains these very remarkable words—"The words of the pastors of the church are to be received as the word of God."

I must now read a passage from a pamphlet attributed to a right honourable and exalted character,* who, for a series of years, has filled, with equal honour to himself, and advantage to the public, one of the most distinguished situations in the state, upon the subject of oaths. It bears date May 14, 1813. "As to oaths, I do not think they are to be undervalued; but they cannot be accepted without some discrimination. That they are not to be entirely relied upon, is apparent, by the very conduct of the friends of the bill, and by the necessity they have felt, of superadding regulations to enforce the same purposes. We must also bear in mind by whom these oaths are to be interpreted, and how they have been interpreted. Nor can we shut our eyes against the notorious fact, that the sovereign pontiff, not in ancient times, but so lately as in the year 1809, by a solemn instruction to the prelates of his church, has commanded them to distinguish between the passive oaths which may be taken, and the active oaths which may not be taken, by the Roman Catholics of an heretical state; and has declared that all oaths taken to the prejudice of the church, are null and void: nor are these doctrines to be found only in Italy; it is well known that in London also, and within the last eight and forty hours, distinctions of the same sort have been promulgated, in the name, and by the authority of a leading prelate of the Roman Catholic church, and circulated throughout this metropolis."

Most happy do I consider myself in having my opinion backed by such high authority.—To convince your lordships how extremely absurd it is to imagine, for a moment, that any oath which may be taken by any Roman Catholic prelate or priest will give security to the Protestant establishment, I will read you an extract from Monsignor Quarantotti's famous letter to Dr. Poynter, dated 16th February, 1814, by which the melancholy fact will evidently appear, that although they (priest or bishop) may take the oath, a foreign influence will put whatever construction on it may best suit the interests, not of the Protestant, but of the Romish church. "In case the bill be already passed, containing the same words," (this, my lords, alludes to the oath which was inserted in the relief bill) "or that nothing in it is allowed to be altered, let the clergy acquiesce, and it will be sufficient for them to declare, that this, and this only, is the sense in which they have sworn to it; so that nothing in the oath may be adverse to orthodox doctrine; and that this protest may be generally known and be for an example to posterity, this construction of it shall be publicly recorded." Here, my lords, is an *ex post facto* interpretation of an oath, commanded by a foreign authority! How, then, is it possible to rely on the faith of persons professing such principles? As I cannot find words sufficiently strong to express my abhorrence of such double-dealing, I shall be silent.

---

* The right hon. Charles Abbot. See Vol. 26, p. 319.

Of the present head of the Catholic church, I must now beg leave to say a few words. Your lordships must recollect that he was the pontiff who travelled from Rome to Paris to assist at the coronation of (not to crown) Napoleon Buonaparté, for the newly declared emperor would not permit even his holiness himself to place the imperial crown upon his head. He took it from the pope, and placing it on his own head, exclaimed with a very loud voice, "Dieu me la donne; gare qui la touche." The sovereign head of the Catholic church, declared the new emperor of the French the eldest son of the church. This child of Jacobinism, this religious Proteus, who even on the very ground on which his Saviour trod, denied his divinity, was nevertheless styled by the bishop of Rome, the eldest son of the church. Better would it have been for the character of his holiness had he laid down his life at the threshold of the Vatican! To Pius 7th are we indebted for the re-establishment of the society of the order of the Jesuits in Ireland, a favour no doubt conferred upon the subjects of king George the third, for the many signal instances of protection shown to his holiness by his majesty!—It is well worthy of remark, that Ireland and Spain are the only two places where the Jesuits have been permitted to establish themselves.

Another act of the present pope was a bull dated the 29th June, 1816, to the primate archbishop of Poland, in which he calls the dispersion of the Bible "a crafty device, by which the very foundations of religion are undermined," and informs the archbishop, that he has convened the cardinals to consider what measures ought to be taken "in order to remedy and abolish the pestilence, as far as possible." In this production of Pope Pius 7th the members of the Bible society will doubtless perceive much toleration. My lords, if your lordships ever consent to admit those into parliament whose spiritual organ thunders out such language as this, you will, with your eyes open, admit a set of individuals whose primary obligation is "to support the Catholic faith, and destroy the Protestant religion;" that religion, my lords, which every king of England, at his coronation, must swear "to the utmost of his power to maintain." I must beg your lordships attention to the force of these words: for in the other parts of the oath the word 'utmost' is not mentioned.

I will now read to you, my lords, extracts from the declarations and solemn pledges given by every king of the illustrious House of Hanover to parliament, on their accession to the Throne, with the answer of the Commons thereto.

Extract from the first speech of George the first, on his accession.—"This being the first opportunity that I have had of meeting my people in parliament, since it pleased Almighty God, of his good providence, to call me to the throne of my ancestors; I most gladly make use of it to thank my faithful and loving subjects for that zeal and firmness, that hath been shown in defence of the Protestant succession," &c. &c. "The established constitution in church and state, shall be the rule of my government."*

Extract from the first speech of George the second.—"It shall be my constant care to preserve the constitution of this kingdom, as it is now happily established in church and state, inviolable in all its parts."†

---

* New Parliamentary History, Vol. 7, p. 42.

† Ibid. Vol. 8, p. 595.

Extract from the first speech of king George the third.—"Born and educated in this country, I glory in the name of Briton; and the peculiar happiness of my life will ever consist in promoting the welfare of a people, whose loyalty and warm affection to me, I consider as the greatest and most permanent security of my throne: and, I doubt not, but their steadiness in these principles will equal the firmnes of my invariable resolution to adhere to, and strengthen, this excellent constitution in church and state,"*&c. &c.

Extract from the answer of the Commons to George the first.—"It is with inexpressible joy, that we approach your majesty, peaceably seated on the throne of your royal ancestors; and being thoroughly sensible of the many open and secret practices, that have, of late years, been used to defeat the Protestant succession; we cannot sufficiently adore the divine providence, that so seasonably interposed and saved this nation, by your majesty's happy accession to the Crown. Your faithful Commons receive, with the highest gratitude, your most gracious assurances, that the established constitution in church and state, shall be the rule of your government," &c. &c. "We are sensible of your goodness expressed to those who have distinguished themselves by their zeal and firmness for the Protestant succession," &c. &c.

Extract from the answer of the Commons to George the second.—"We thank your majesty for those ample assurances you have given us, inviolably to preserve the constitution of these kingdoms, as it is now happily established in church and state, and to secure to all your subjects, the full enjoyment of their religious and civil rights."

Extract from the answer of the Commons to George the third.—"We venerate and confide in those sacred assurances of your majesty's firm and invariable resolution to adhere to and strengthen this excellent constitution in church and state."

Far, very far, be it from me, my lords, to presume to deny the omnipotence of parliament. Parliament has, most undoubtedly, a right to alter and amend the constitution of the state. It has frequently and wisely done so—but, my lords, if it ever change the constitution so far as to admit those persons into parliament whose spiritual head, or heads, deem it no disgrace to put an *ex post facto* interpretation upon a most solemn oath, which was supposed to have been inserted into an act as a measure of security, it will, I most conscientiously believe, shake the British empore to its foundation: and, my lords, I am at a loss to imagine how any minister, remembering the solemn pledge which our beloved sovereign gave to his parliament, could bring himself to advise the prince regent, "acting in the name and on the behalf of his majesty," to give the royal assent to any such bill.

When the noble earl who introduced the Roman Catholic petitions into this House, assured us how much it was the wish of that body to conciliate their Protestant brethren, I own, my lords, I was absurd enough to expect that an offer would have been made by the pope, and by the popish clergy and laity of Ireland, to grant to his majesty the same privileges as the king of Prussia, or any other Protestant sovereign possesses, with regard to the appointment of bishops, &c. But the noble lord was not authorized to make any concession.—His clients ask for everything, but will yield nothing. My lords, I perfectly agree with Dr. Dromgoole, when he says, "that if the church of England wants securities, she must seek them elsewhere, for the Roman Catholics have none to give."

It has been the fashion among the advocates for concession, which has been very improperly termed Catholic Emancipation, to state, that the Roman Catholics of Ireland were a degraded and enslaved people. Now, my lords, no statement was ever more unfounded in fact than this; and I defy any noble peer on the other side to point out any Catholic state in Europe, whose subjects enjoy more civil liberty or possess more religious toleration, and some of your lordships will, probably be surprised when I inform you, that the Roman Catholic clergy of Ireland, with respect to marriages, exercise a power which the Protestant clergy are forbidden by law to exercise.

A Protestant clergyman is subject to certain pains and penalties, if he marries any persons whose banns have not been three times published in the churches of their respective parishes, or without a licence is shown him, which dispenses with the publication of the banns. A Roman Catholic clergyman marries his parishioners without any banns, and is liable to no penalties.

Your lordships are well aware that the

---

* New Par. Hist. Vol. 15, p. 982.

great majority of forty-shilling freeholders in Ireland are Romanists: and, I trust, you will always bear it in your remembrance that the minds of the great mass of Irish Roman Catholic population are in a state of absolute subjugation to the priesthood. If then you leave the qualification of the voter at the absurd low rate of forty shillings, and open the doors of the legislator to the Catholic, you will find sixty out of the one hundred Irish members seated within the walls of the other House: and let me seriously ask your lordships, whether you would wish to see sixty very respectable Catholic gentlemen assembled in a committee of the House to consider the merits of a bill proposed for the better regulation of the Protestant clergy? The Catholic religion, my lords, is every where the same—active, busy, and meddling with the political affairs of every state.—It does not, like the Protestant religion, "study to be quiet, and mind its own business;" but it expects the people and the government to yield implicitly to whatever its hierarchy may deem most expedient for its aggrandisement. If proof of this were wanting, a very signal instance might be found in a kind of pastoral letter (signed by the archbishop of Mechlin, and, I believe, by all his suffragans, except two,) which was thrust under the doors of the shop-keepers of Brussels, a few days prior to the inauguration of the king of the Netherlands, in which the Catholics were told, that they could not, as good Catholics, take an oath of fealty and allegiance, to a Protestant prince: and what is still more extraordinary; this curious production could not be obtained two days after it had been so dispersed—although very great pains was taken to procure a copy, and much money offered for one.

My lords, I will proceed no further, although much more remains to be said:—I am fully conscious that I have trespassed already too long on your patience. I return you my most humble thanks for the courtesy you have shown me. For the reasons I have assigned, I must oppose the motion of the noble earl; and, I trust, your lordships will recollect, that if the majority of the Irish, be Romanists, the majority of the people of England and Scotland are Protestants.

The Bishop of *Norwich* explained. He said, he would yield to no man in his recollection of the part of Mr. Locke's works to which he had referred; and notwithstanding the contradiction he had received, he insisted that that great writer had laid it down as a principle, that no man ought to suffer for not being a member of the established church, unless it could be proved that he maintained opinions injurious to the state. He entered into the same writer's reasoning upon the subject, to show that he even carried it farther than was generally supposed.

The Earl of *Harrowby* said, that he had not intended, for many reasons, to trouble the House with his sentiments during the present debate, but that it was impossible for him to give the vote he intended to give, without some explanation, after what had fallen from a right rev. prelate, who intended to vote upon the same side of the question. In the course of previous discussions, it had frequently been his lot to hear positions from both sides equally untenable; and the present debate had afforded a fresh instance of this kind. If any thing could have driven him to give a vote in a contrary direction to that in which he intended to give it, it would have been a part of the speech of the right rev. prelate (bishop of Norwich), who spoke last but one; and if any thing could have added to the conviction to which he had come, it would have been a part of the address of the right rev. prelate (the bishop of Ossory), whom he was immediately following. The former, for whom he entertained the highest sentiments of respect, had unadvisedly (if he might be permitted to suppose that any thing unadvised could proceed from such a quarter), uttered sentiments which, even if weighed with the greatest candour, must be held to be highly dangerous; and had (unintentionally, every one must be persuaded) thrown down a torch of discord, and encouraged those who wished to find an excuse for sedition and rebellion. The latter had stated some opinions, which he should notice in their proper place, and which he thought afforded a sufficient answer to the remainder of his speech.

The right rev. prelate (the bishop of Llandaff), who had opened the debate, had stated the question with great distinctness, and had discarded a mass of argument, which had formerly filled long speeches and large volumes, proceeding upon the principle that a difference of religious opinion was of itself necessarily a disqualification for civil office. He had admitted that civil qualifications and civil worth, were the only points to be regarded, but he contended, that the religious tenets of the Catholics necessarily produced a deficiency in those essential qualities, and that upon that ground their exclusion from civil office ought to be maintained. He had argued that the loyalty of a church of England man was more to be depended upon, because it was undivided. He (the earl of Harrowby) agreed with him in the premises, although he differed from him in the conclusion. He had no hesitation in admitting, that the allegiance of those who acknowledged it, with reference both to church and state, must be more complete in its nature than the allegiance of those who acknowledged it only to the state.—The chain which binds subjects to their government, was composed of a variety of links. It was certainly impossible, that when one of these links was wanting, the chain could be quite as strong as where no deficiency existed. But the question for a politician was, whether it might not nevertheless be abundantly strong to hold together firmly and effectually those who ought to be united. This question ought to be answered, not merely by a reference to the tenets held, or supposed to be held, by any class of the community, but by the conduct of that class. It was undoubtedly easy, even for a person less accustomed to acute disputation than that right rev. prelate, to prove, by the most logical arguments, that it was utterly impossible for a Roman Catholic to be the faithful subject even of a Roman Catholic government; for even under such a government his allegiance must still be divided. It might be difficult to know whether the major or the minor of such a syllogism ought to be disputed: but he had the consolation to think, that no man could acquiesce in the conclusion. He was not disposed to dispute, what the history of so many countries proved,—that in former times the conflict between allegiance to the pope and allegiance to the sovereign, had been the fruitful source of much misery to the world, had laid waste many a realm, and dethroned many a monarch. But could this be asserted respecting those periods of history, to which, from any degree of similarity in the circumstances of the times, or the public opinions prevailing in them, it was worth while to look back for practical political experience?

What disputes had we not seen between the civil and ecclesiastical authorities in most of the countries of Europe, particularly in France and Austria, without any disturbance of the allegiance of their subjects? In our own country, under a Protestant government, what had been the fact? In the reign of queen Elizabeth, the fidelity of the Catholics had been put to a severe test—the sovereign was excommunicated, and yet how small a portion of the difficulties of her reign had originated in the active disloyalty of the Catholics of her kingdom. In the reign of Charles the first, who adhered with more firmness to their monarch, or made greater sacrifice in his cause, than his Roman Catholic subjects? At those periods they were practically unrestricted in the enjoyment of their civil privileges, and exerted them in the defence of that government, under whose protection they enjoyed them. Subsequently they experienced a different treatment, and after the revolution a system of legislature was adopted respecting them, of many parts of which (however other parts might be justified by the peculiar dangers of those times), he was persuaded there was no noble lord present, who would not say, that as an Englishman he was ashamed. Notwithstanding the pressure of that system, they had stood the trial of two rebellions. It had been repeatedly proved, that in spite of their spiritual allegiance to the pope, they maintained their temporal allegiance to the king. In various acts of parliament, passed for their relief, they had been repeatedly denominated peaceable and loyal subjects—and the fair question to be put was, whether, when they had still greater inducements to fidelity, they would not, if possible, still more steadily adhere to a government, under which they enjoyed every advantage.

The right rev. prelate who spoke last had however argued, that the principles of the Roman Catholics, whatever might be their practice, ought to be judged of from the decrees of their ancient councils, which were irrevocable or unrevoked,—and at the same time had stated, that their opinions were so varying, that no dependance could be placed upon them. How these two arguments were to be reconciled, he was at a loss to discover. If those principles were so unstable and so varying as they were said to be, how could their conduct be judged of by the decrees of their ancient councils? The right rev. prelate had however himself given the solution of this difficulty, by stating to their lordships, with respect to the Catholics of Ireland, that they were either Roman Catholics or

Irish Catholics, according as it best suited their political interests at the moment. If this were true, could there be a stronger answer to the argument, which opposes concession on the ground of the immutability of their opinions, and a more powerful inducement to pass a measure which must make their being Irish Catholics and not Roman Catholics, the surest means of forwarding their political interests.

The line of argument, however, which was drawn from the principles to be found in the decrees of such ancient councils, was in his opinion unfair, as applied to any set of men with logical strictness. It was not enough to say, we think that we can prove by regular argument, that from certain principles, certain practical consequences must follow, if the persons who profess those principles not only deny your logic, but disprove it by their conduct. In common life, if a man had made an unguarded assertion, or advanced a false position, it might not, perhaps, be difficult to persuade him to explain them away by his language, and directly to contradict them by his actions; and yet he would die rather than eat his words. So it was with the Roman Catholics. Having unfortunately adopted the tenet of infallibility, residing either in the pope or a general council, they had debarred themselves from admitting in terms any alteration in their opinions, and had perpetuated in their code, through the most enlightened times, too many of the perverted doctrines of the darkest ages. Hence all those nice distinctions, those logical subtleties, which exposed them to the imputation of sophistry and quibbling; but which were only the necessary result of an ineffectual struggle to reconcile inconsistency with infallibility, and to contradict themselves without contradiction.

But this line of argument was surely unfair, if applied practically to any set of men, and might be employed not only against Catholics, but Protestants, and every denomination of Christians. Let us recollect ourselves, when we brand the Roman Catholic religion exclusively as intolerant, at how late a period the writ *de heretico comburendo* was expunged from our statute book. Let us recollect that we ourselves have seen the time, when a set of statutes actually existed there, which, if carried into execution, would have entitled this country to the appellation of as sanguinary and pitiless a nation as ever existed in history,—and let us ask ourselves, whether we should then have admitted the justice of such an appellation, merely because they there existed, unrepealed, but dormant. Should we be entitled to stigmatize the Scottish church of the present day as intolerant, because their ancestors of the same faith had, in a public declaration at the time of the Union, solemnly warned their countrymen against the guilt of tolerating episcopacy, not in their own country, but in England; and yet where could a solemn and direct renunciation of such opinions be found?—Let us apply to the Catholics the same candour which in such cases we claimed for ourselves, when we desired that our principles should be judged of by our conduct.

Whatever might be the opinion of their lordships upon this part of the argument, they must all agree in thinking, that it was an object of the first importance, to conciliate the affection and sooth the minds of the Catholics, and to bring into employment for the benefit of the state, the talents and energy of so large a portion of the subjects of the Crown. All would agree in the importance of this object, if it could be accomplished without danger. The question, then, resolved itself into this:—Where lies the danger? If a satisfactory answer were given to this question to-night, it would be for the first time.—Foreign allegiance and its consequences had been stated by a right rev. prelate, as constituting this danger;—but then he had quieted the alarm he had himself excited, by stating also, that when it suited his political interests, the Catholic became not a Roman, but an Irish Catholic. Was it possible to afford to this objection of allegiance to the pope a more satisfactory answer? Could any thing better be desired by way of security than that four millions of subjects should become Irish instead of Roman Catholics. The question of danger had been argued by others, as if from the moment you conceded the full capacity of entering into the army, the navy, the law, and both Houses of Parliament, all these departments must of course become Catholic. This was a supposition too extravagant to deserve a serious answer.—But then it was said, they would form a dangerous minority,—and if they did not overthrow the state, might overturn the church. Assuredly, if they could destroy the church, the state would be in great danger. They were so intimately connected, that whatever tended to injure the one, must infallibly do so to the other, and if the one perished, so must the other. No man, he trusted, would ever live to see this the case in our happy country,—but how was this dreaded charge to be effected? Not certainly in this House, by the introduction of half a dozen peers. It must, then, be in the other House of Parliament. To that House members were now returned from Ireland by Catholic electors; and he would ask their lordships whether Protestant members returned by Catholic electors were not more dangerous (if danger there were) than so many Catholics in their seats. A Protestant member so returned, if he wished to retain his place, must vote on all questions concerning the Catholic interests, as his constituents should dictate—he would be to them a suspected person, and had not the liberty of being impartial; while a Catholic would be left to the free exercise of his own discretion. The impolicy of giving the Catholics only a qualified admission to the military service had been so often proved, that it need scarcely be repeated. It was hardly defended by their warmest opponents. They were allowed to attain a certain rank, but were forbidden to rise higher.—You permit them to fight your battles, and when they return from the field of victory, covered with wounds and glory, you debar them from the reward of their valour. And why? From the apprehension that the man who has proved his loyalty, by a life of active exertion in the service of his country, up to a certain rank, the moment he rises one step higher, is to be transformed into another creature, and transfer to the pope that allegiance to his sovereign, which he has so often sealed with his blood.—Was it wise to apply the same system to the professors of the law, particularly in a country, where, since the removal of the local legislature, the bar was almost the only road by which talents could acquire distinction? If their opponents declared that the Catholics should never be allowed to open their mouths in a court of justice, the system was at least intelligible and consistent;—but now you permit them to gain fame, and fortune, and influence, and then they were told, thus far thou shalt go, and no farther. It was absurd to suppose that the mere circumstance of a difference in religious opinions, disqualified a Catholic from executing the British laws, or presiding over a British jury. Could any man gravely assert that there was any connexion between questions of theology and the dispensation of the law? Even in India, where the most opposite religious systems were established, was any inconvenience experienced from the administration of Hindoo and Mahometan codes by Christians? What was to be apprehended in this country? Could the due administration of justice be impeded by the theological opinions of the judge, subject as he was to the censure of an enlightened bar, and of a public almost as enlightened, and open as were his decisions to the revisal of a higher tribunal, which must obviate every danger or suspicion of danger? As matters now stand, you allow the Catholics just so much privilege as to make them dangerous, while you exclude them from every thing which attaches them most strongly to their country and to the state.

He entreated the House not to forget that this was a question which could not be dismissed by a vote,—and that whatever was the decision of that night, things could not possibly remain for ever in their present anomalous state. Was it fit, was it proper, that the discussion of this subject should year after year occupy the attention of their lordships and distract the country? If it was not proper, why not at once consent at least to the consideration of the prayer of the Catholics? It could hardly be seriously maintained, that to keep up for ever in this country, a distinction which had been found unnecessary in almost every other, was essential to its security. Were they sure that the ground upon which they now stood, was so secure as to remove all apprehension of danger? Was not the foundation too loose and too irregular to afford stability to the superstructure? To his judgment it appeared, that an unreasonable distinction between two portions of the same community, between two parts of the same empire, could never be conducive to the well-being or security of the state.

He did not think it at all necessary, in his view of the subject, to enter into any discussion, either of what was called the Veto, or of the plan of domestic nomination.—It was for parliament to determine the question; and if it should admit the prayer of the Catholics, to annex such conditions as in its wisdom it might deem necessary. It would then be for the Catholics to say, whether they would accept the arrangement proposed, or not,—and if they should refuse, parliament would at least have the satisfaction of having performed its duty. Few who now heard him, he was persuaded, were desirous that the law should continue unaltered in all its parts. If the committee were appointed, an inquiry into the whole system might be accomplished; and of all the good that in his opinion was desirable, could not be attained, some concessions might be granted, and some obnoxious distinctions done away. If the Catholics should not then obtain the boon, which had as it were been so long hanging over their heads, they would have the consolation of reflecting that their case had been considered; and he thought they must receive with gratitude such a proof, that the legislature was actuated by a desire to remove their disabilities and accede to their wishes, if they found upon mature consideration that it could be done with safety to the constitution. With these views, therefore, he hoped their lordships would support the motion for a committee, and trust to the investigation which would then take place for the best decision of what might wisely be surrendered, and of what it was essential to withhold.

The Earl of *Liverpool* rose and said:

My Lords;—I have heard with no less satisfaction than the House, the speech which has been just made by my noble friend, a speech marked, as every thing that comes from my noble friend is marked, by acuteness of mind, force of reasoning, and comprehension of views, as well as by the most candid and unexaggerated statement of facts. But however great my esteem for my noble friend, and however sensible I am of the clearness of his exposition of the question before your lordships, I am bound in duty to express my complete difference from him with respect to the conclusions to which he has arrived. In replying to my noble friend's speech, I shall commence with the latter part of it.

Undoubtedly it is competent to my noble friend to say, in support of a motion for appointing a committee to examine this or any other subject, that it is not bound to come to any certain resolutions, or to recommend any specific measures; but at the same time I must contend that your lordships, before you assent to any proposition of such a nature, are entitled to consider the real intention with which it is brought forward. It is not pretended that the object of the motion before your lordships is, to redress any partial grievances, to make any partial concessions, or to remove any particular anomalies. It is not urged that some new modifications of the act of 1793, have become necessary in the present circumstances of the country. It is for the purpose of conceding at once all that the Catholics demand; and of placing the Irish Roman Catholics (some few provisions with respect to the church alone excepted) on a footing of equal privileges with his majesty's Protestant subjects. This I apprehend is the real ground of the question. I beg not to be understood as opposing any specific concession which the principle of the act of 1793 may warrant. That principle was a declaration that our government is essentially Protestant. Whatever concession can be made to render the indulgences granted by that act to the Catholics, more plain and effective, even to extend them beyond the bearing of the provisions of the act, still keeping steadily in mind its principle, I am ready to support; for I hope I shall never refuse that, which on conviction I ought to allow. But the question here is not of that circumscribed character. It is, as I have already said, whether you shall confer equal privileges on all classes of his majesty's subjects; and to this, my lords, I, for one, cannot consent.

As a proof of this being the claim of the Roman Catholics, I need only appeal to that which is already well known to your lordships, from the Journals of the other House of Parliament. In 1813, a bill was introduced into the House of Commons, for the purpose of what is called "emancipating" the Catholics, and after being read a first and second time, was committed. In the committee a motion was made by a right hon. gentleman, of very high authority in that House, to omit the clause which rendered Catholics eligible to seats in both Houses of Parliament. This motion was carried, and the clause was accordingly rejected. What then was the conduct of the supporters of the measure? They gave it up. They manifested no desire to obtain the additional advantages to the Catholics in the army, in the navy, or at the bar, which the bill was calculated to afford; they would have all or nothing; and because they could not carry their whole point, they abandoned the bill, which was thus frustrated, not by those who were inimical to it, but by its authors and supporters. The motion before your lordships is exactly of the same comprehensive nature as that which was rejected by the other House in 1813, and therefore I shall consider it on general grounds.

Having said so much as to the light in

which the immediate question before us ought to be viewed, I beg to be allowed to make a few observations on the ecclesiastical part of the subject. I will not, however, enter into the concession of the Veto, or domestic nomination, or any proposal of that nature; for I am anxious, at the outset, to clear the discussion from all extraneous considerations. I have no hesitation in avowing, as my deliberate opinion, that if the great principle contended for be once admitted, the concession ought to be liberally bestowed, and without any jealous interference in the internal ecclesiastical concerns of the Irish Catholic church. And here, my lords, before I proceed to explain myself more particularly, I cannot refrain from expressing my unfeigned astonishment at the opinion that there ought to be a similarity in respect to the possession of civil power, between the Catholics in foreign states and the Catholics of Ireland. There is no analogy between the two cases. Let us take, for instance, the relation between Prussia and Silesia, or between Russia and her Polish provinces. These are territories annexed to great states, either by conquest or compact; but in which the population is Catholic, the property is Catholic, the church is Catholic; and in which the Roman Catholic is therefore the established religion. Throughout those territories, the professors of the Catholic communion have never denied temporal authority to the Protestant sovereign; they have never dreamt of trenching on his privileges, while they enjoyed the full control over their own spiritual affairs. But the case is altogether different in Ireland. There the government is exclusively Protestant, the property nearly so, and the population chiefly Catholic. If the Catholic religion in Ireland were that of the state—so acknowledged either by conquest or compact—then indeed some analogy might be made out between the cases of the Irish and the foreign Catholic; and I would admit that you had no right,—I will not say "no right," for that is a harsh and unjustifiable term to use when speaking of the power of the legislative; but I will say you ought not,—to impose the conditions of the exercise of their religion on a people so placed. As it is, much as has been said with regard to the Veto, and with regard to Domestic nomination, I attach no importance to regulations of that nature. They might be judicious restraints, if the object of jealousy were, the character of individuals; but I am ready to declare that I renounce all invidious charges against the Catholic body,—I believe no men can be more respectable than the Irish Catholic bishops and gentry. I respect them individually. I believe the Catholic prelates are as fairly chosen at present as they could possibly be by any arrangements which your lordships can provide. My objection does not go against the mode of filling up the episcopal vacancies; but to the influence necessarily exercised over the parties when they are elected into office. The source of my scruples and apprehensions is, that, however nominated, the Irish Catholic bishops are necessarily subject to foreign influence; they are the pastors of the Romish church, and bound to pay obedience to a foreign ecclesiastical jurisdiction. So long therefore as this sort of system continues, I can see nothing in the shape of securities that would satisfy me. It is this feeling that banishes from my mind the idea of securities, and that induces me to concur with the right reverend prelate, that if concessions are to be made, they ought not to be made in an ungracious manner; they ought not to be embarrassed with conditions, which, if accepted, would confer no additional security, while the imposition of them might excite feelings that would be any thing but conciliatory, and that might therefore utterly defeat the object in view. The only question with me, therefore, is, are your lordships prepared to make the required concession? If I am answered in the affirmative, then I say, the more simply and openly you make it the better.

I now come, therefore, to the main question. Are the Catholics entitled to enjoy privileges equal to those enjoyed by the members of the established religion? It has been well observed that, in point of abstract principle, no description of persons can complain of unequal privileges who voluntarily place themselves in a situation by which they forfeit their right to equal privileges. I ask, not only as it affects the Catholics, but as it affects every other body of dissenters from the established church, do they, when they require equal privileges offer equal conditions? If they do not, can it be contended that there is any injustice or inexpediency in distinguishing between them? Without pretending to decide positively, I certainly entertain great doubts whether any civil government can long go on without the aid and union of some form of ecclesiastical establishment. However that may be, I trust that this country will never make the experiment. My lords, I have always considered that the civil establishment was necessarily interwoven with its church establishment. This will be found a leading and unalienable principle in the earlier periods of our history. This will be found the leading principle at the period of the Revolution, when the connexion between the state and the church was solemnly recognized. On that I rest. To that will I adhere. It is a connexion which pervades all our institutions which characterizes every part of our system.—At the Revolution it was determined, that the principle of our government in all its parts was Protestant. It was then settled that the king himself, and all his successors must be Protestant—must communicate with the church of England. It was then settled that all naval and military officers must communicate with the church of England. True it is that in this respect a relaxation of the rule,—and I am far from thinking an unwise one,—has taken place; but the general principle remains untouched. This principle in fact runs through every part of our system. The two Houses of Parliament are on some occasions necessary parties to the performance of the rites and worship of the established church; and the judges of the land, if not by positive law, yet by immemorial custom, which has acquired the force of law, never open their commissions at the assizes until they have first repaired to the established church; so completely is the Protestant establishment recognized by the constitution; and so deeply is it impressed on all its forms.—Upon what principle, I desire to know, if these concessions are allowed to the Roman Catholics, can they be refused to every other class of dissenters from the established church? I admit that this exclusion, like every other exclusion, must sometimes operate harshly on individuals, and that it can be justified only on adequate grounds of political expediency. But I contend for the existence of such grounds.—The sect of Quakers, for instance, is a very respectable community. By an act of their own they have excluded themselves from eligibility to office, although here the benignity of the law has interposed, and in certain cases admitted their evidence in judicial matters to be received in the way in which alone they choose to tender it. If concession is to be granted to the Catholics, why is it not to be granted to the Quakers? Why is it not to be granted to the Jews, who may also very conscientiously maintain their own peculiar opinions on theological subjects?

May I not, therefore, call on your lordships to consider whither you are going? The moment you throw open the door to equal and general concession—the moment you declare an unexceptional eligibility to power, and say that the only difference between the churches of the dissenters, and the church of the establishment is the ecclesiastical endowment of the latter—that moment you will cease to possess the means of maintaining what is essential to the security of your establishment. Parliament will immediately cease to be a Protestant parliament. Of course, my lords, I cannot be supposed to mean that the majority of members will be no longer Protestant; but the Catholics, whatever may be their numbers, will constitute an integral part of the legislature, which must thus cease to be exclusively Protestant. This would at once effect an entire change in the system of the constitution, and dissolve that intimate alliance between the church and the state which was established at the Revolution.

I wish your lordships to contemplate the full consequences that may result from the adoption of such a proceeding. How will it apply to the law which excludes from the throne every other than a Protestant monarch? Will it be possible to maintain this part of the constitution while we remove all obstructions to all other offices, in favour of all other individuals? It would be hard indeed that one family alone should be excepted from the right of adhering conscientiously to their religious opinions unless by the sacrifice of the Crown. I am aware that it has likewise been proposed to except the lord chancellor and the lord lieutenant of Ireland. But these are regulations wholly unsatisfactory to my mind.—The question remains to be considered in another point of view. I admit, my lords, that there are some special and peculiar circumstances connected with the state of Ireland to which it is indispensable that I should advert. It has been said "can you wish to prolong the existence of such circumstances and to perpetuate the disunion that unhappily prevails in that country?" And the proposed measure is described as one calculated to heal all dissensions, to allay all animosities, and create what has been termed "a moral union" among all classes of his majesty's subjects. My lords, this is a very desirable object. If I could bring myself really to believe that such would be the effect of acceding to the proposition before us, I do assure your lordships that I should be extremely reluctant to withhold my support from it; but it is because I do not believe so; because I think that it is calculated to produce quite an opposite effect, that I feel my objections to the motion fortified and invincible. It has been said, and that with all the assumption of great authority, that things cannot remain as they are. To this I answer by asking,—will they remain at the point to which you—the friends of the Catholics, wish to bring them? If all that is now required were this instant granted, grievances, or what would appear so, and would so be called, would remain; if the Irish Catholic were this moment put on a footing with the Protestant in point of civil rights, he would instantly complain of the great hardship of having an establishment exclusively Protestant, in a country in which so overwhelming a part of the population was Catholic; and it would become a question, whether the faith which has been pledged to the maintenance of a Protestant establishment should be preserved or broken.

Again, my lords, I say there is no analogy between the state of Ireland and the state of other countries. In other countries the church establishment followed the creed of the population, but in Ireland the church and the property are on one side, and the great mass of the population on the other. If you shake the principle of your laws, you at once shake the establishment which is interwoven—inseparably interwoven—with their stability, and which cannot exist, with the degree of Catholic influence which must be the consequence of the proposed measures of concession. Is it wise then, my lords, with such a prospect before us to weaken the foundations of the establishment, by stripping it of part of that influence and power which may be essential to its defence?—The practical effects of the existing exclusion can be felt only occasionally, and by a very few persons. Neither ought it to be forgotten that the Catholics themselves are the greatest exclusionists in the world. In making this declaration, I again disclaim any hostility to the Roman Catholics. I do not presume to doubt the sincerity of their religious opinions. But I maintain, and no man can deny, that those religious opinions are of the most exclusive nature. I will not appeal to the councils of Lateran and Trent on this subject; but I appeal to modern decrees—I appeal to the recent authority of a Catholic dignitary, to show that toleration is inconsistent with the principles of the Catholic church. Can it, then, be doubted, that if by any succession of events or combination of circumstances the Catholics should acquire the ascendancy over the Protestants, they would exclude the Protestants from the enjoyment of equal civil, and religious rights? Surely, we are entitled to exclude those who, from their own unalterable faith, would exclude us if they possessed the power to do so.

I willingly allow that one of the great difficulties in the way of adjusting the present question, arises from the policy that has formerly been pursued in Ireland, from measures some of which I lament, and others of which I condemn. But, my lords, we must provide for circumstances as they actually exist. We are not to adopt a speculative course of legislation. We must legislate for men as they are, and not as they might have been. It is, I confess, a subject surrounded with great difficulties; and I have endeavoured, after the most serious consideration, to communicate to your lordships the impression of my judgment upon it. In this era of the world, the only safety for our ecclesiastical establishment, best security for our civil constitution, appears to me to exist in keeping them indissolubly connected; in maintaining the church and the state, in that legitimate alliance, in that mutual dependance which was established at the revolution. Every indulgence, every liberality, every concession consistent with the preservation of that connexion I am ready to support and uphold. But though a friend to rational toleration, I cannot consent to a change which in its operation must go to level all the religious distinctions of society, unhinge the minds of all classes of the people, leave the most important principles of government in a state of complete uncertainty, render society liable to the reception of every accidental prejudice and opinion, and impair the ancient foundations of a constitution under which, we have so long enjoyed security and happiness. I am persuaded that as the constitution under which we live is justly considered superior to that of other states, so also is it materially different. There have been a variety of circumstances connected with the progress of that constitution, with the checks and character of its institutions that do not permit of any analogy to the condition and system of other countries. Keeping steadily in view those principles on which the British constitution was formed, which have hitherto preserved it, and by which alone I firmly believe it can be perpetuated, it is impossible for me to give my support to a demand for equal immunities, which are not sought on equal terms; although, as I have already affirmed, I am disposed to lend a favourable ear to any partial measures of relief, not incompatible with the essential safety of a Protestant Crown and Protestant establishments.

The Earl of *Darnley* said:—

My lords, I have suffered many years to pass without expressing to your lordships my opinions on this important subject in the detailed manner in which I could have wished to express them. I am, therefore, the more anxious to deliver my sentiments upon it on the present occasion. The noble earl who has just concluded a forcible address to your lordships, commenced by saying that he would argue the question on general grounds. In the course of his speech, however, it appeared that the noble earl had no objection to certain specific concessions. My lords, I cannot help considering it irreconcilable in the noble earl, after that expression of his willingness to correct anomalies, the existence of which in the penal laws respecting the Catholics cannot be denied, and to allow a modified concession to that class of his majesty's subjects, to oppose my noble friend's motion for going into a committee, in which the noble earl and your lordships may have an opportunity of considering what ought to be conceded and what ought to be withheld. Does not the noble earl feel that it is in a committee alone that that which he is disposed to do may be best accomplished? I did indeed expect to hear from the noble secretary some specific argument against the motion; but, to my disappointment, I have heard nothing but an indulgence in declamation on the dangers with which an acquiescence in it would threaten church and state. But, unless the noble earl and your lordships are determined to deny Catholic concession, under every circumstance, and to however limited an extent, I am at a loss to conceive the grounds on which the motion for a committee can be rejected.

A right reverend prelate has, indeed, said a great deal about the misconduct and intemperance of some members of the Catholic body; of that misconduct and intemperance I am not disposed to be the apologist. I am too sensible of the prejudice which it has created against the Catholic cause. But still, in my opinion, so far from operating against the claims of the whole Catholic body, it ought to be an additional motive for acceding to them. Is it not fairly to be presumed, my lords, that the persons who have manifested this misconduct and intemperance, and who are the greatest enemies of the cause which they affect to support, if the question were finally set at rest would lose that adventitious and unnatural consequence for which they are indebted alone to the existing circumstances of irritation and discontent? Take away the pretext for violence, and you remove the opportunity of which these demagogues eagerly avail themselves. There will then be no field for these disturbers and their advocacy, and they will speedily disappear.

The same right reverend prelate has contended, that a contrariety of opinion exists among the Catholics, which precludes the chance of a satisfactory result to any inquiry into which your lordships may be induced to go. My lords, if such a contrariety of opinion among the Catholics does exist, it is no solid objection to the motion. We have nothing to do with it. Parliament is bound, without reference to any such considerations, to legislate in the manner which appears to its wisdom to be the most expedient for the general good. How frequently have we had to settle, by legislative enactments, the disputes of contending parties in the state!

There is one subject, my lords, on which I cordially agree with the noble secretary. I cordially agree with him that all consideration of the securities to be required from the Catholics ought to be dismissed from our minds.—What more suitable security can be devised than the affections of the people? And how can you gain those affections so certainly, as by making concessions liberally, if you make them at all? The single enactment of extending equal civil rights to the Catholic as to the Protestant (with the exception of a certain limited range of offices in the state), is, in my opinion, the easiest and most conciliatory course; and will, I am persuaded, insure the co-operation of the Catholics in support of the government that protects them. I cannot see any grounds for the dangers dreaded by the noble secretary.

It was with great pleasure that I heard the noble earl who spoke at an earlier period in the debate from the other side of the House, so justly demand a specification of the dangers against which it is probable parliament will have to provide in the event of yielding to the wishes of the Catholic body. To that demand on the part of the noble earl no answer has been given. Surely, my lords, it is a monstrous proposition to suppose that the stronger the interest which the Catholic has in the privileges of the constitution, the more disposed he will be to endeavour to effect its subversion! It is curious to examine the grounds on which the exclusion of the Catholic stands. It rests on the refusal on the part of the Catholics to take an oath which militates against their religious belief. If the Catholics were to think proper to take this oath, there would be at once an end to the exemption. Does not this unequivocally prove, my lords, the view which the Catholics entertain of the sanctity of that obligation, which they are nevertheless accused of holding so lightly?

With respect to the influence on parliament which Catholic concession is calculated to occasion, nothing can be more unfounded or ridiculous than to say that if both Houses of parliament were thrown open to the Catholics, they could obtain any preponderance in either. Nor could the slightest danger result from rendering the Catholics eligible to the higher military and naval commissions. On the contrary, I am persuaded that their admission would tend to consolidate the strength of the state; for, my lords, it is utterly inconsistent with human nature to suppose that the greater capacity for enjoyment you confer on an individual, the more disposed he will be to forfeit it by his rashness and violence.

My lords, it has been broadly stated that this measure will not, of itself, tranquillize Ireland. It has been asserted that the full admission of the Catholics to the privileges which they require will not of itself immediately allay discontent, and produce effectual conciliation. I allow this. I allow that Catholic concession will not be a universal panacea for the grievances which have so long afflicted Ireland. As I do not believe that the present exclusion is the cause of all the evils in Ireland, so I do not believe that the removal of the restrictions will of itself effect a complete cure of those evils. But, although it may not do all, it will do much. Many other remedies will be necessary; but this, my lords, is indispensable as the commencement, and as the qualifying principle of all the rest. It will go far to heal wounds, and mitigate prejudices; but it will certainly not go so far as we shall find it expedient to go. Much more must be done before that unhappy country can be rendered capable of enjoying all the advantages which nature seems to have so prodigally intended for her. But, my lords, I have ever considered, and I ever shall consider the repeal of the penal laws against the Catholics as the *sine quâ non* of the wise government of Ireland. Until that result shall be accomplished, as on the one hand Ireland can never enjoy the blessings that nature has bestowed on her, so on the other hand England can never avail herself of that efficient co-operation on the part of Ireland of which she might otherwise feel assured.

My lords, we cannot possibly remain where we are, with reference to this important subject. We must grant more, or we have granted too much. Government ought to take up this measure as an essential part of its policy. Let it come before the legislature recommended by government, and there can be no doubt of its adoption. Whatever, my lords, may be the fate of my noble friend's motion this night, when the Catholics consider the zealous support which their cause has received from some of the leading members of the cabinet, and from so large a proportion of the most distinguished individuals on both sides of this House, they must feel that they have no reason to despond; but on the contrary, they must be assured, that the adoption of a measure so necessary for the well being of Ireland and the general security of the empire, and so calculated to establish universal harmony among all classes of society, will not be much longer delayed.

Lord *Grenville* rose and said:

I have too frequently trespassed on your lordships attention in the hope of aiding in the accomplishment of this great boon to Ireland and to this country, to think that at this late period of the discussion, when your lordships are in possession of every argument that can be urged on the subject, when the public mind is so fully enlightened with respect to it, it would become me to proceed into that wide and comprehensive view of the subject which on former occasions I have felt it to be my duty to take; to refute objections which have so often been shown to be groundless; or to enforce reasons which are now so generally admitted. Nothing, indeed, that I am able to say can strengthen the unassailable inferences of the noble earl opposite, who has proved that with the sagacity of a sound politician he has cast his eye over the whole subject, examined the question in all its bearings with the tolerant spirit of a wise statesman, and taken a liberal and enlightened view of the true interests of this empire. The right reverend prelate also, who spoke third in the debate, a man with whom it is my pride to have lived from childhood in the most intimate friendship, a man of whose friendship there is no one who ought not to be proud, a man who adorns the situation in which he is placed, a man who is justly revered by the country, has well described the question before your lordships as a question, not of an abstract and polemical character, not of subtle and metaphysical speculation, not of religious and theological distinction, but a question of justice and expediency, a question of a purely and extensively political nature, a question not for divines, or lawyers, or logical disputants, but for statesmen, a question not for the schools, but for the legislature. It is, indeed, from the legislature that have sprung the evils which at present claim your lordships consideration—a legislature which, on so many other great topics of public policy, has poceeded on liberal and enlightened principles, but which, in legislating for Ireland and Irish Catholics has disgraced its statute book, and distorted its policy, by a system of intolerant an heartless restriction, by a succession of the most oppressive, morose, illiberal, cruel, and unwise enactments that have ever stained the most barbarous code of the most barbarous nation on earth.

In endeavouring, therefore, to discuss the great interests involved in such a question, I will not descend into trifling disquisitions on abstract points. They are too narrow, too little for legislative consideration, compared with the gigantic objects that are at issue. This is not a question for retired scholars in their closets who may employ themselves in framing nice, and metaphysical distinctions about the limits of the temporal or spiritual power exercised by the head of the Catholic church, about the extent of obedience or the degree of submission claimed by ecclesiastics. Your lordships are called upon to look at the subject in a different spirit, and with a different purpose;—to regard it as one of legislation;—to reflect on what experience has established;—to consider what wisdom points out as necessary to be accomplished. Your lordships are called upon to remove those evils which in their operation weaken the public security, and diminish the public happiness. When I thus view the question as one of policy, illuminated by the light of history and experience, I own my astonishment at the doubts and difficulties which have entered such minds as I have seen labour under them. Instead, however, of attending to the considerations to which I have adverted, it seems to have been thought sufficient, by the opposers of Catholic concession, to exhibit some nice points of difficult explanation, to recur to some facts wholly irrelevant, to point out some remote cause of apprehension, or some minute appearance of danger.

In opposition to such a mode of thinking and acting, I conceive that we ought not to view a question on one side, and to anticipate inconvenience only from one quarter. In all measures of government and legislation difficulties and dangers must ever be balanced. We ought to pursue not that course which is entirely free from remote apprehensions and contingent evils (a course in almost every instance unattainable) but that course which seems attended with the fewest of them. If we are never to adopt any measure which has apparent justice and wisdom on its side, and positive good for its object, until it can be demonstrated that in the remote possibilities of events, in the unforeseen concatenation of causes, no evil can result from it except by a special appointment of Providence, or a suspension of the laws of nature, I know of no acts which a legislature can pass with safety; I know of no line of policy which on such grounds would not be liable to objection.

When noble lords are so alive to those

nice and subtle distinctions by which the possibility of such imaginable dangers is pointed out, is it possible that they can shut their eyes to the real dangers which for sixty years have threatened the country from the refusal of concession? My lords, I repeat that this is no subtle decision, no nice question, no abstract metaphysical inference;—it is a practical question, that comes home to the bosom of every man, of which the whole empire has seen and heard much; for the determination of which every one who feels for the prosperity of his country and wishes for its stability, is anxious. And this is the situation in which it is proposed to stop where we are! It is proposed, my lords, by the opponents of Catholic emancipation to remain where we are, unless we can show that it is not possible danger may arise from an endeavour to ameliorate our condition. In this situation we are destined to stand, not because it can be clearly shown that by such an endeavour our interests will be endangered; not because it can be pointed out by what power, by what means, from what quarter, at what time difficulties or evils are to result from it; but because your lordships are told by the noble earl opposite that the connexion between religion and the civil power—between church and state—has been long established, and ought to be finally maintained; for that it is essential to our security and happiness. To that proposition I readily assent. I hold that opinion as firmly as the opponents of the present measure; and it is because I hold it firmly and would, zealously support it that I conjure your lordships to look at the question in all its bearings, to grapple with it; and not to be deterred from legislating upon it, lest you may bring about evils, no man knows of what nature, and may shake our establishments, no man knows in what manner.

If I were asked how the decision of this question can endanger the tranquillity of the empire, or shake our establishments, I would answer—not by agreeing to concession, but by withholding concession; by irritating the feelings, by insulting the pride, and by calumniating the character of four or five millions of our fellow subjects; and thus uniting them against our intolerant principles and oppressive institutions. If, on the other hand, I were asked what were the means of confirming our religious institutions and perpetuating our establishments, I would reply, by adopting a measure which would demonstrate the liberality of our principles, by admitting to an equal participation of civil privileges those who differ from us on religious grounds. Whatever our opinions may be respecting the doctrines of the Catholics, how different soever they may be to our own, it is our part to show the superior character of our constitution and our religion, and nothing can tend more effectually to do this than to prove the facility with which we are prepared to admit into a participation of the advantages of the one those from whom we essentially differ as to the doctrines of the other.

Nothing, my lords, can strengthen our empire more than a cordial union and conciliation with Ireland; nothing can more tend to our disadvantage than the belief that we can stop where we are; and that, without concession, we can arrest the growing evils in that country. Those evils, produced at first by intolerance, are strengthened and aggravated, and will be perpetuated by an obstinate adherence to illiberal restrictions. The noble earl has spoken of the danger of farther relaxation of these restrictions, but he has not specified whence this danger can arise: and for my part, my lords, I do not believe it ever can arise at all. If danger is the necessary consequence of concession, the concessions which have already been made have placed us in a situation of as great danger as could be produced by the admission to further privileges. All that is dangerous has been already granted. In the army, if there be any disposition on the part of the Catholics to rebel against the constitution, or to overthrow the establishment, they have already acquired the means of manifesting it; they may hold commissions below that of a general officer; and it is obvious that a colonel must enjoy much more influence over the minds of the soldiers of his regiment, than a general officer, who is less immediately connected with them. They may also be governors of fortresses and castles; and as such, would have greater means, in the event of military operations, of facilitating the designs of the enemy than a general in the field. The same observation is applicable to the navy; but I will not trouble your lordships by a detail of the various departments of service, in order to point out the admissions and the exclusions; and the impolicy of the latter in conjunction with the former. The bar likewise is open to the talents of the Catholics (although the bench does not offer them its honours), and I need hardly remark to your lordships that in a country deprived of its legislature the influence of the bar is proportionally increased. This has long been the case in Scotland, and will soon be the case in Ireland.

With respect to the legislature, my lords, I confess that I cannot help considering the danger anticipated from the admission into parliament of a few Catholic noblemen and gentlemen as altogether visionary. Undoubtedly as the noble secretary had said, such an incorporation will no longer allow it to be called an exclusively Protestant parliament. But to apprehend danger from such a source—giving to the ground of that apprehension the fullest extent to which the most wild imagination can carry it—to suppose that the small number of Catholics that must of necessity be admitted could overcome the great majority of Protestants—is, in my opinion a most needless and chimerical fear. But a more distant and indistinct danger still is apprehended by the noble secretary, who asks "if the present grievance be removed will the Catholics be satisfied, will they make no farther demands, will there not remain that, in their opinion still greater grievance of a large Catholic population and a Protestant establishment?" In return, I ask the noble earl, if the Catholics are disposed to proceed to the length which he alludes, without obtaining any intermediate privileges will they be prevented by their refusal? Will the discontent occasioned by an ulterior want be lessened by a feeling of present oppression? Will irritation be allayed by increasing its causes—or the inclination to do mischief diminished by multiplying its excitements? The Catholics will not become less attached to the state by sharing its benefits, or less disposed to overturn its institutions by being excluded from them. In fact, the Catholics are as prone at present as they ever will be to ask for a distribution of the church funds and endowments in Ireland, with the additionally irritating consideration that they are wantonly, illiberally, and ungenerously excluded from civil privileges which they have an undoubted right to enjoy; parliament ought therefore to remove this additional irritation, and show the Catholics that Protestants can be liberal in concession while they are firm in the maintenance of their own rights; and thus demonstrate that the existence of a Protestant church is perfectly consistent with the communication of civil privileges to those who are of a different religious communion. Let the evil be first removed for which there is no necessity; and a firmer position can afterwards be taken on indisputable ground.

This, my lords, may be considered a sufficient reply to the noble earl's apprehension. But I will go further. I contend, that by concession, we shall not only give the Catholics no advantage in their ulterior objects, but we shall deprive them of the wish to make any effort for the attainment of those objects, and interest them in the maintenance of the Protestant establishment. One of the greatest securities for that establishment will be, the incorporation of the leading Catholics in the great assemblies of the nation. I know no man so presumptuous as to attempt to answer the noble secretary's question, "Will things rest here?" directly in the affirmative. This will very much depend on the legislature. I cannot tell to what decision the prudence and wisdom of parliament may lead; but this I will not hesitate to say,—that I know no measure which can produce such beneficial effects as concession; nothing which can so certainly promote public tranquillity; nothing that can so surely guard against danger; nothing that can more effectually counteract a long train of impolicy and misgovernment. What is represented as dangerous by the noble earl, is in my mind the only means of safety. If there be one measure calculated above all others, to re-establish harmony in the empire, it is that which the noble earl characterizes as fraught with hazard to the constitution.—My lords, this is no new opinion of mine. I have long entertained it; and every thing that I see and hear, only serves to impress it more deeply on my mind, and to make me feel its truth with the greater force.—It is now about forty years since we began to relax that intolerant and odious system of commercial, political, and religious restriction, which so long disgraced the legislature.

And here, my lords, I must observe, that there never was a grosser misrepresentation, than to identify that intolerant and persecuting system with the Revolution. History can boast of few greater men than William the 3rd,—few to whom human nature is under greater obligations —few more disposed to support freedom, more wise in their plans, more successful in their undertakings. But if there was one supereminent quality in that supereminent character, it was, that he was the first statesman in Europe, who entertained the principles of universal toleration. The whole tenour of his measures was directed by that liberal sentiment. It manifested itself in the whole course of his life and government. His example was admired, and his opinions were diffused throughout Europe; and I do indeed reckon it hard to ascribe the origin of one of the most bigotted, one of the most intolerant, and one of the most persecuting systems that ever disgraced any country, to one of the most liberal and enlightened princes of his own, or of any other age. The fact is, my lords, that although at the Revolution the Protestant religion was undoubtedly established, although the constitution was declared to be essentially Protestant, yet both our religion and our constitution, were founded on the firm basis of toleration and liberty. Intolerance followed.—And the opponents of Catholic concession it is, who make an obstinate resistance to every attempt at bringing back the policy of the country, to what it was at the revolution, when religious toleration was united with civil freedom.

My lords, I before observed that it is now about forty years since the legislature began to remove the disabilities under which the Catholics of Ireland laboured. Since that period much has been done. I cannot subscribe to the censure which has been bestowed on the last of those concessions, in 1793. The principle of that measure was a sincere desire to do all that the state and condition of the country at that period, all that the prejudices of the people, all that the opinions and disposition of the Irish Parliament, allowed towards the completion of the great work. My lords, it will be a source of gratification and pride, at the close of my political life, to look back on the share which I had in that, the greatest stride that ever was made at one effort, towards accomplishing what I knew indeed that measure alone could not accomplish, but what I felt it was eminently calculated to accomplish—a final and complete toleration. There is one circumstance in the history of the Catholic concessions, which deserves to be particularly considered. From the first concession in 1777 down to 1782, and thence to 1793, they have all been made under circumstances of greater or less political difficulty. And though no one will say that it was an unwise or unfit policy, when we were entangled with a civil war in America, or when we were menaced with a foreign war with France, to endeavour by conciliation and union, to strengthen our resources at home, yet it may have been suspected—most unjustly I readily admit—that those concessions were not the result of legislative wisdom, not the offspring of justice and liberality, not the consequences of an enlarged and comprehensive policy, embracing the general welfare of the whole empire, but a benefit extorted from us under the influence of apprehension and danger. As sinister motives are easily found for every thing, this observation has by some been considered applicable to every period, at which the question of Catholic emancipation has hitherto been agitated. But we have at length, my lords, arrived to a condition in which this objection loses its force. We have now reached a state of security and peace, when it cannot be insinuated, that whatever boon we may grant is extorted from our fear. We can be liberal and tolerant, without exposing ourselves to the suspicion that we are so from a sense of danger. In arriving at this situation of security, we have been eminently assisted by the people of Ireland. They have contributed largely their resources, they have shed their blood, they have withheld nothing from our assistance in times of great peril and exertion. If we now grant concession it will appear to proceed, not from a fear of danger, but from a stronger principle—the operation of affection, and I may even add, the influence of gratitude. We have now, my lords, the enviable opportunity of convincing the Catholics of Ireland, that our disposition to alleviate their grievances, does not merely rise with our difficulties, and sink with the return of our security. It is happy that we can now confer a favour without any mistake as to our motives. I cannot but regard it a blessed opportunity, which the current of human events has placed within our reach, of imparting a great and permanent benefit to those who cannot mis-apprehend our intentions—upon those who must know that what we do is done, first, because it is our duty, secondly, because it is our interest, and lastly, because the feelings of every good heart tell us that this is the proper time for discarding every petty jealousy, for obliterating the remembrance of former injuries, for allaying all existing discontents, and for consummating cordial conciliation. We may now prove to Ireland, that we consider the interests of both countries to be inseparably blended together; and that, already united to her by geographical position, and by a common government, we wish to be still more closely attached by the sacred and indissoluble bonds of affection, and by the free and unreserved communication of equal laws and equal privileges.

Earl *Bathurst* rose and said:—

I am at a loss, my lords, to conceive why we should go into a committee on this subject without having, in the first instance, settled certain principles on which we are to proceed. What advantages can be derived from a discussion in a committee which cannot equally be obtained from a debate in the House? My objection to the present motion, as on former occasions, is that no specific measures are proposed by the supporters of the Catholic claims. They merely ask for a committee, in order to try whether this system or that system, may not be adopted with benefit. If your lordships should agree to the motion, what will be the consequence? The committee will be reluctant to separate without doing something; because, when expectations are so powerfully excited, it is not pleasant wholly to disappoint them; and they will therefore be in danger of being shamed into a concurrence with some proposition, which, if distinctly described before-hand, they would not hesitate to reject. No practical good can possibly arise from such a proceeding.

My lords, I will not go at length into all the topics which must necessarily be embraced in the consideration of the present question. They have so frequently been discussed, that it would be quite unnecessary to do so. With regard to the Veto, however, I will observe that it was originally proposed by the supporters of the Catholic claims. Why? Unquestionably because there was some danger to be apprehended from which the Veto was to protect the Protestant interest. The Veto however has since been withdrawn by those who proposed it; but in doing so, they have not stated that, in their opinion, the dangers which originally required the Veto are diminished. Now, domestic nomination is the proposed security. But what reason is there to believe that this will not be as suddenly and as capriciously withdrawn as the other?

An allusion, my lords, has been made to Scotland, which, it is said, has been permitted to enjoy its establishment while a similar favour has been denied to Ireland. But, independently of the consideration that that privilege was secured to Scotland by one of the articles of the union, I will say that a similar concession cannot be made to Ireland, because the religion of the great majority of the inhabitants of Ireland is Catholic. It is impossible to deal with that religion in the same manner as we may deal with any sect of Protestant dissenters. The Catholic religion is in its nature hostile to the doctrines and practices of the reformed church —that church which is the keystone that binds the arch of our Protestant institutions, and gives to them the whole of their solidity and strength. Admitting, however, that there was nothing in the Roman Catholic religion to prevent the legislature from treating it differently from the sects of dissenters from the church of England, it has been asked whether it is not fit and proper to grant the Catholics certain concessions, and thereby put an end to that bond of union which now distinguishes them, in hostility to the Protestants? But, my lords, if the Catholics entertain ulterior designs, injurious to the safety of the state, and of the Protestant establishment, the bond of union will still exist, and the addition of power which it is proposed to give will but render it more formidable. If further concession could safely be made, and if it were likely to establish harmony and tranquillity, I, for one, my lords, would not oppose it; but the experience of former concessions does not warrant such a presumption, nor am I willing to endanger the safety of the constitution for a distant and doubtful advantage.

My noble friend has asked, if we can stand where we are. To this I answer, yes. I think I can stand, because I have stood; and I do not choose to go from the spot where I can and do stand, until you can prove to me that the spot to which you recommend me to move is quite as good as that which you ask me to leave. But I confess that I think, if my noble friend could prove that we cannot stand where we are, he would prove too much. If the concessions to the Catholics are so dovetailed into one another, that they must go together—that we must either repeal the part or go on further, I again ask when and where are we to stop? We must proceed upon a principle of wide and unlimited toleration indeed. Are your lordships prepared to place the Catholics of

Ireland on a better footing than the Protestant dissenters in this country? Are you willing—have you made your minds up to the repeal of the test acts? Without going that length all the rest will amount to little or nothing. If you are not disposed to do all this, my lords, allow me to recommend to you to pause before you move at all. These are the grounds on which I feel it my duty to resist the present application. I am not prepared, by my vote this night, to give notice to quit my present tenement, until I am sure of having another House over my head. I am not prepared, and I trust few of your lordships are prepared, for this fundamental change; lest it should shake the foundations of the establishment in church and state. I am disposed to look with gratitude to the Reformation. I do not mean to the bloody and licentious reign in which that blessing originated, but to the mild and solid virtues of the succeeding monarch, and to the efforts of those erudite and distinguished men who were patronized by him, and who, happily for these highly-favoured realms, placed our church on a rock, from which I hope in God it may never be displaced.

Earl *Grey* rose and said:—

My lords;—Completely anticipated as I have been in every thing which I can wish to express on the present subject, exhausted as it has been by my noble friends and the noble earl opposite, I feel that some apology is necessary to your lordships for troubling you with any superfluous observations; and yet I feel that I cannot reconcile myself to give a silent vote on this great and animating question, in support of which I have always cherished the utmost interest and zeal. These observations, however, shall be but few; merely to serve as a record of my earnestness in a cause, resting, in my opinion, on the principles, not only of the soundest justice, but also of the soundest policy. My lords, the omission of some things in this night's debate has given me considerable satisfaction. Your lordships have not to-night been wearied out with a recapitulation of the objectionable tenets of the Catholic religion. We have not heard that monstrous charge urged against the Catholics that their doctrines exempt them from the obligation of keeping faith with heretics. This, together with other assertions as monstrous, which on other occasions formed so considerable a portion of the objections against granting the Catholics the privileges and immunities for which they seek, we have been saved the pain of hearing.

But though I have not again heard those often-repeated calumnies, which I hope are now for ever consigned to merited oblivion, I have felt much astonishment and pain at the course of argument which has been pursued by the noble earl opposite, and by a right reverend prelate who preceded him in the debate. It has, for the first time, been asserted by that noble earl and that right reverend prelate, that the Protestant religion cannot exist in this country as an establishment, if we admit a complete toleration of the Catholic faith. What! is it at this period of general information and general reasoning habits that a British House of Peers is to sanction the monstrous idea that the Protestant religion is not such a religion as may with safety grant to the Catholic body that participation of power which a Catholic government has thought it expedient to grant to a Protestant body under similar circumstances! what! shall we listen with any degree of patience to the allegation that although a Catholic state may grant complete toleration—nay, more, an equality of rights and privileges to the Protestant, we cannot, from the nature of our religion, act with as much generosity to the Catholic! It is related of the great duke of Guise, in the time of the religious disputes in France, under the reign of the cruellest enemy of the reformed church, that when his assassin was brought before him, he addressed him in these words: "Mark now the difference between your religion and mine,—your's inculcates assassination as a duty, mine teaches me to forgive." A sentiment in itself so noble, that one of our most celebrated dramatic poets has adopted it, and introduced it into the tragedy of Tamerlane:

> "Now, learn the difference 'twixt thy faith and mine:
> Thine bids thee lift thy dagger to my throat;
> Mine can forgive the wrong, and bid thee live."

Such, my lords, I have been accustomed to think, is the language which the followers of the Protestant religion are entitled to hold towards the more bigotted adherents of the Catholic faith; but if the opinions of the noble earl and the right reverend prelate are well-founded, I am mistaken, and the reformed church of England is as intolerant and persecuting in its spirit as the church of Rome ever was.

The noble earl who last addressed your lordships asked you, why you would go into a committee before any specific measure had been proposed? To this I answer, that it is the usage of parliament to go into a committee on all matters of high importance, on the general allegation of great grievances which require great remedies. Surely there is no man who does not think that the exclusion under which the Catholics labour is to them a great grievance. In my judgment, not one of your lordships can conscientiously vote against my noble friend's motion, who is not prepared to declare that there is nothing in the present state of the penal laws as affecting Ireland which requires alteration. Is it necessary to recapitulate those enactments, which must ever be considered, while they remain in it, the disgrace of our statute book? A right reverend prelate, indeed, has said that he, forsooth, is quite satisfied that the Catholics shall enjoy merely those privileges which have already been allowed them. But I, my lords, can never be satisfied while any individual in a free country remains cut off from his right—capacity of civil power. This should be open to all subjects of the realm, indiscriminately; any exclusion from it, if not justified by some imperious state necessity, if not demanded by some positive danger, is unjust, is irreconcilable with any principles of equity. What is the answer to this argument? That the constitution of this country being essentially Protestant, no concession can be granted to the Catholics without subverting the fabric. My lords, this is not the way in which I have read the constitution. Sure I am that the great monarch under whom the laws on which so much stress is now laid were introduced, and who has been so justly panegyrized by my noble friend, was disposed to the greatest toleration; and that if he did not carry his principles into full effect and practice it was not his fault, but was attributable to the spirit of the times, and to the state necessity of opposing a family, struggling for the Crown. That danger has ceased, and the laws referring to it should cease also.—What has been adduced from Mr. Locke, as authority for the continuance of the exclusion of Catholics from the full benefit of the constitution is no longer applicable. The great point of objection with Mr. Locke, was, that as the Catholics were, by their religious tenets, bound in allegiance to, and closely connected with the family of the Stuarts, who were contending for the throne, they could not be considered stable or firm adherents to a Protestant monarch or a Protestant government. This bugbear no longer exists; and in this point of view, there is no reason to suspect that a Catholic is not a true and liege subject to the family now on the throne. No danger now remains that is not too indistinct to be named or defined. At least none has been stated. I beg pardon of the noble earl opposite. He has stated one danger, but it is of a nature somewhat unsubstantial; although he earnestly called your lordships attention to it. This danger, which so powerfully excites the apprehension of the noble earl is that if the Catholics shall be admitted into a full participation of all the privileges of the British constitution, the parliament of this country can no longer be called exclusively a Protestant parliament. The noble earl foresees the greatest peril from the loss of that distinctive appellation. Is parliament now, in fact, exclusively Protestant? Are not many of the Protestant members returned by Catholic constituents; and must they not be considered as sitting in the House of Commons to represent Catholic interests? Really, my lords, this is the first time that I have heard the name of a thing prized beyond the substance. I have heard and known that the forms of a free government sometimes survive when the substance is gone; but I have never heard that when the liberties of a country have sunk under a military despotism, those who have thus fallen into the lowest and last stage of national degradation, resulting from the loss of rights, influence, and authority of which they had once reason to be proud, ought to consider it a source of consolation, in the midst of their distressing recollections, that they still retain the names, forms, and symbols of that liberty and happiness which they originally possessed. The mere name, my lords, is but an insult, when the reality is no more. Yet the noble earl argues in this manner: he thinks that though the parliament would be substantially the same—substantially Protestant, yet that great danger is to be apprehended if two or three Catholic representatives should be admitted into the other House, and two or three Catholic peers restored to their hereditary seats in this

House, which were filled by their ancestors with such glory to themselves and to their country.

And what is the danger of admitting these individuals to the enjoyment of their ancient rights? Why, that the name of an exclusively Protestant parliament will be done away, and with the name, according to the argument of the noble earl, that the securities of the Protestant establishment will go likewise! Surely never did the wit of man devise a danger more futile and imaginary than this! What! after the concessions made to the Catholic community in 1777, 1778, and 1793, could your lordships expect that this ground of objection to the motion would be taken up by the noble earl? After we have gone so far in removing the disabilities of the Roman Catholics, I cannot conceive either the justice or the policy of stopping where we are. My lords, I am satisfied that the established religion of this country is the best religion in the world;—as such I wish it to be supported by the most efficacious means. These means consist, in my idea, in liberality to the professors of other religious tenets. A departure from this principle in Ireland is the more inexcusable; as the great majority of the inhabitants of that country are not of the established religion. How does it come to pass that the noble lords opposite appear no less alarmed at the present application when securities are offered to them for the church and state than they were at the same proposal when no such securities were offered? If, as the noble earl has said, it be still necessary to keep the Catholics out of certain high offices in the state, why has not the noble earl proposed some other concession? Why has he not proposed an exemption from tithes? No—nothing like liberality must it seems take place;—no relaxation of the rein;—like a proscribed cast, the Catholics are to be compelled to labour for others in whose privileges they have no participation; besides which they have the burthen of their own clergy thrown upon themselves alone. If there are inevitable grievances, it would at least become his majesty's government to remedy those which may be avoided. The only tenable ground of exclusion was that which might have been maintained before the first partial concessions in 1777 and 1778. But, some of the offices so earnestly sought for by the Catholics having then been granted them, only more strongly excites their discontent and resentment at the withholding of the remainder. For instance, in the army, what can be more absurd than to admit a Roman Catholic to the rank of colonel, but restrict him from ever becoming a general; although, in many cases, from the necessity of the service, we give him the command and authority of a general? This I believe actually occurred in the field of Waterloo, and from the accidents of war it must perpetually happen. I will suppose that at Waterloo, where it is impossible for me not to feel, in common with most of my grateful countrymen, that the Catholic amply contributed his talents and his blood to our triumph in that fiery trial, all the superior officers had fallen, and that a Catholic colonel, who might chance to be the highest on the list, had assumed the command, would such an assumption have been considered a breach of duty either by his royal highness the commander in chief, or by your lordships, or by the nation at large?

This shows one of the absurdities connected with the present system. With respect to the profession of the law, the system of exclusion is equally impolitic and dangerous. The Roman Catholic lawyer, whatever may be his abilities or learning, is not only precluded from sitting on the bench, but is not even admissible to the situation of king's counsel. The effect of this is that we actually give him a retaining fee against the Crown, and we throw into his hands the means of making the discontents of the people most formidable to government. On such a system, my lords, it is impossible to rest. The hand or arm is furnished with effective vigour while the body remains paralyzed. Thus are the words of an accurate judge of human nature fulfilled—

"Nulli comes exeo."

This makes the limitations and restrictions on that patient and exemplary class of his majesty's subjects the more distressing.

I feel, my lords, that at this late hour I am trespassing too long on your lordships attention, but I am anxious to explain the reasons on which I ground my vote. The noble earl who last addressed your lordships says, that if we agree to my noble friend's motion, we must also repeal the test laws. Be it so. So far am I from thinking that any evil would arise from the repeal of those laws, that I am persuaded their repeal would be materially beneficial to the country. Can it be impolitic to repeal the test laws when the dissenters of all classes have so nobly sustained the British empire at the most critical and trying moment of its fate? It would be to impose a stigma which they do not deserve. Unquestionably, it will be also extremely beneficial to admit that most respectable body, the English Catholics, to a full participation in every civil, naval, and military privilege. If the expediency of the restrictions on the Catholics in this country be grounded on the spiritual allegiance of the Catholic clergy to the pope, that is applicable to the French clergy; for the French clergy acknowledge spiritual allegiance to the pope. But, has it ever appeared in the history of France, that the French people and the French church have not supported their own independence, and the authority of their kings, against all external influence whatever? Has their spiritual adherence to the pope ever prevented the French clergy from adhering to their government in civil matters, when opposed to him? Unless therefore it can be proved that there exists some extraordinary difference in the doctrines of the professors of the Catholic religion in the two countries, I say that this affords a powerful argument for the desired concession.

With respect to the declaration published by the archbishop of Mechlin, at Brussels, I wish, my lords, to be permitted to make a few observations; first, it is to be remembered, that by a treaty concluded in this country, and signed by the British minister, our consent was given to the union of the Netherlands to Holland; as the means of strengthening Holland. It is a principle of our religion to which I am sure none of the right rev. prelates opposite will object—"that we should do unto our neighbours, as we would they should do unto us." If therefore, we felt it our duty to add to the Protestant government of Holland, which may correctly be termed the strong bulwark of the Protestant religion on the continent, a population of Papists, as the inhabitants of the Netherlands confessedly are; and if we consented to the guarantee described in the declaration of the archbishop of Mechlin—namely, that no alteration should be made in the church establishment in the Netherlands; that equal protection and favour should be extended to every sect, and that all parties in the state should be equally eligible to every place of trust, honour, and emolument,—if, as I have observed, all this was done with a view to strengthen our natural ally on the continent, shall I be told, my lords, of the policy, nay necessity of excluding Catholics in this country from those situations and privileges, the attainment of which is the prayer of the petition on your lordships table? The treaty, uniting Holland and the Netherlands, was framed upon the soundest principles of policy; and was sanctioned and approved by the British government. There then is a Roman Catholic state united to a Protestant state, and all the individuals of both rendered eligible to every office whatever. If this practice was good with respect to Holland —if it was safe with respect to Holland, I am utterly unable to comprehend why a similar proceeding would not be good, would not be safe, in this country; I am utterly unable to comprehend why the Irish and the English Catholic may not be bound more firmly to the interests of the state, by granting them the long-earned meed of their patience and deserts.

Many other observations I should have thought it my duty to make, but for the lateness of the hour at which I rose to address your lordships. I am sensible that in what I have stated I have added nothing to the strength of the arguments which have been so ably urged by my noble friends, and the noble earl opposite; but I have enjoyed the satisfaction of once more raising my voice in parliament against the continuance of a system of restrictions discreditable to the nature of our government, to the character of our country, and to the doctrines of our religion—a system impolitic in principle, unjustifiable in practice, diminishing the real tranquillity and welfare of the nation, instead of adding to its security and establishing its peace; and pregnant with dangers which are aggravated by the appalling circumstances of the calamitous period at which the boon is solicited.

The *Lord Chancellor* said:

My Lords:—I cannot agree with the noble earl who has just sat down, that any argument can be drawn from the circumstances attendant on the recent union of the Netherlands to Holland, in favour of the emancipation of the Catholics of Ireland. In the treaty to which the noble earl has referred, the general extension of civil privileges to the inhabitants of the Netherlands, was allowed, because the government of that country was Catholic.— The claims now put forth by the Catholics of Ireland, would, if granted, necessarily lead to the abrogation of all those guards and securities which render our constitution essentially a Protestant constitution; and such has been the anticipation of the noble earl. I therefore oppose the motion, being convinced that the conceding of the Catholic claims would be productive of the ultimate subversion of all our establishments.

My lords, it is a fundamental principle of our constitution, that the king is the supreme head of the church, as well as of the state. I will pass over the time of Henry 8th, when the king's supremacy was declared. I will pass over the statute of the 1st of Elizabeth, when it was again established; and I call on your lordships to remember how distinctly this principle of the king's supremacy was recognized at the Revolution; and how unequivocally it was proclaimed that the government and constitution of this country are essentially Protestant. Much, my lords, of the argument of this night has been founded on the opinions of Locke. I will venture to say, that no man in the world was ever more decidedly hostile to the Catholic claims. That eminent writer has positively declared, that according to the Romish creed, faith is not to be kept with heretics; that the Catholics pronounce all those who are not of their own communion heretics, and that they claim the power of excommunicating kings; and therefore that he thought they ought not to be admitted into power, as they had thus delivered themselves over to the dominion of a foreign prince. Such were the sentiments of Mr. Locke, and although I should be sorry to entertain to the full extent the opinion of the Catholics of the present day, that Mr. Locke ; did of the Catholics of his day, yet I must say, in contravention of the statement of a right reverend prelate, whom I shall ever respect, that by Mr. Locke, the admission of Catholics to every civil privilege was held to be highly dangerous.

I hope I may be permitted to remind your lordships that we are now debating what we shall do between Protestants and Catholics, under the obligation to which we have come to maintain the Protestant constitution of England. The security of this constitution has been provided for by many laws, which appear to me to be founded in true wisdom. The very first act of king William's reign, was an act requiring every person who came into parliament, to declare against transubstantiation. It was for the prevention of the admission of Catholics into parliament, that that act was passed. No man living can read the bill of rights, without seeing that the civil and religious institutions of the country were framed to support each other. The preamble of that bill expressly states, that the late king James had endeavoured to subvert the Protestant religion ; and therefore, that certain persons had sent for king William. For what? Not merely to secure their civil liberties, but to preserve their religion. These persons tendered the crown to king William, as a crown to be worn by a Protestant, and a Protestant only ; and it was positively declared, that in case the Crown should devolve on a person professing the Roman Catholic religion, he should be considered as *ipso facto* dead, and the Crown should be placed on the head of the next Protestant heir to it. It is utterly impossible that any man can read the Bill of Rights, without feeling that the unrestrained toleration of popery is inconsistent with the principles of the British constitution. I ask your lordships to read the oath of supremacy, established at the same time ; and you will find it distinctly asserted in that oath, that no foreign prince is to have any jurisdiction, civil or religious, within this realm. Again, if your lordships read the oath of a privy counsellor, you will find that it denies the authority, both civil and ecclesiastical, of all foreign prelates whatever.

As to myself, my lords, I have long entertained an opinion utterly inconsistent with the sentiments of those who suppose that our constitution need no longer be guarded by those tests which have hitherto formed its security. I must say that according to my reason and apprehension, the propositions that your lordships have this night heard go to the destruction of all the necessary safeguards of our establishment. By the constitution his majesty forfeits the Crown in the event of his becoming a Catholic. If Catholics are to be admitted to all the civil offices of the state, I ask how, the king not being a Catholic, he can in many respects be conscientiously advised by popish ministers. My lords, such a change will render it necessary to alter the form of the summonses to this House ; as it is the duty of this House occasionally to advise his majesty on the throne. The Roman Catholics who are admitted into parliament and into civil power must undertake to support that which it is against their conscience to support! Our ancestors, my lords, at the time of the Revolution, made it their business effectually to secure the nation against the recurrence of popery, and the constitution which they bequeathed to us it is our bounden duty to transmit unimpaired to posterity. To the principles of a free government the principles of the Roman Catholic religion are decidedly hostile. The most eminent writers—Milton, Locke, Temple, Somers have declared this. King William himself has recorded this as his opinion. James the second was deprived of his crown because he attempted to introduce the Catholic religion into the state. Are we to overturn all that our ancestors have done on this subject? What will the nation say to such a proceeding? What will the Protestant part of the people say? I must take the liberty to observe that I cannot accept or understand the explanation which it has been attempted to give of the nature of the motion. It is not, in fact, what it professes to be, a mere motion for a committee. My lords, it would be much the more candid proposition to move at once for a bill for the emancipation of the Catholics from every civil disability under which they now labour. If the committee into which we are to go does not end in such a bill it will not serve the purpose of those who ask for it; and if it does then the direct motion will save so much time and trouble. But, my lords, as in my understanding of the constitution any such proposition, direct or indirect, militates against the civil and religious liberties of the state, and against every security to the Protestant establishment for which our ancestors so gloriously struggled, I feel it a most solemn duty to oppose the noble lord's motion.

The Bishop of *Norwich*, in explanation, said;—The learned lord called upon me with an air of triumph, which, considering that he had obtained no victory, is rather premature. It is very easy to turn to the index of a large folio; and thus, as Mr. Pope says "To catch the eel of science by the tail." With the aid of a detached passage, unconnected with what has gone before, or follows after, almost any thing may be proved from almost any book. The *leading principle* of Mr. Locke's Letters on Toleration is, that no man should suffer in his civil privileges, because he is not a member of the established church; and bishop Hoadly expressly declares, that whenever the Catholics give satisfactory proofs of *civil allegiance*, he shall rejoice to assist in knocking off their chains.

†

The House then divided upon lord Donoughmore's motion, when the numbers were:—

Contents—present - - - - - 54
Proxies - - - - - - - - - - - 36
— 90
Non-contents—present - - 82
Proxies - - - - - - - - - - - 60
—142

Majority against the motion 52

List of the Majority and Minority.

Majority.

Not Contents.

Present.

DUKES
York
Cumberland
Beaufort
Rutland.
MARQUISSES
Bath
Cornwallis
Exeter
Lothian.
EARLS
Bridgewater
Westmoreland
Winchelsea
Cardigan
Shaftesbury
Poulett
Aylesford
Macclesfield
Bathurst
Harcourt
Aylesbury
Digby
Abergavenny
Liverpool
Romney
Manvers
Lonsdale
Verulam
Edgecumbe
Talbot
Brownlow
Beauchamp
Strathmore
Limerick
Glasgow
Caledon
Charleville
Roden
Mayo.
VISCOUNTS
Falmouth
Sydney
Hood
Hampden
Sidmouth
Lake
Exmouth
Melbourne.
LORDS
Boston
Dynevor
Morton
Selsea
Kenyon
Rolle
Bolton
Middleton
Eldon
St. Helens
Redesdale
Ellenborough
Arden
Gambier
Aboyne
Harris
Prudhoe.
ARCHBISHOPS
Canterbury
York
Tuam.
BISHOPS
London
Lincoln
Salisbuty
St. Asaph
Llandaff
Exeter
Oxford
Ely
Chester
Carlisle
Hereford
Peterborough
St. David's
Clonfert
Ossory
Killala.

Proxies.

DUKES
Clarence
Wellington
Buccleugh
Montrose
Leeds
Richmond
Atholl
Newcastle.
MARQUISSES
Hertford
Donegall
Cholmondeley
Huntly
Salisbury
Northampton.
EARLS
Scarborough
Orford
Courtown
Radnor
Coventry
Stamford
Buckinghamshire
Lindsey
Blessington
Chichester
Shannon
Erne
Balcarras
Malmesbury
Longford
Nelson
Kellie
Percy
O'Neil
Caithness
Portsmouth
Mansfield
Farnham.
LORDS
Napier
Vernon
Woodhouse
Sinclair
Le Despencer
Rous
Bagot
Ribblesdale
Carlton
Hill
Combermere
Curzon
Dudley & Ward
Sheffield
Forbes
Walsingham.
BISHOPS
Winchester
Worcester
Durham
Gloucester
Bath and Wells
Bristol
Chichester.

Minority.

Contents.

Present.

DUKES
Sussex
Somerset
Grafton
Bedford.
MARQUISSES
Headford
Anglesey
Ormond
Cunyngham.
EARLS
Essex
Dartmouth
Bristol
Harrington
Warwick
Fitzwilliam
Hardwicke
Darlington
De-la-Warr
Grosvenor
Fortescue
Rosslyn
Grey
Harrowby
Mulgrave
St. Germains
Darnley
Aberdeen
Carysfort
Lauderdale
Cassilis
Charlemont
Donoughmore
Glengall.
VISCOUNTS
Torrington
Melville
St. John
Clifden.
LORDS
Saye and Sele
Grantham
Montford
Holland
Ducie
Foley
Grantley
Bulkeley
Somers
Braybrooke
Grenville
Auckland
Cawdor
Lilford
Dundas
Crewe
Lynedock.
BISHOP
Norwich.

Proxies.

DUKES
Kent
Devonshire
Argyll
Leinster.
MARQUISSES
Stafford
Buckingham
Downshire
Wellesley
Sligo
Londonderry.
EARLS
Derby
Cowper
Jersey
Waldegrave
Thanet
Albemarle
Caernarvon
Besborough
Ossery
Clancarty
Morley
Spencer
St. Vincent.
VISCOUNTS
Hereford
Keith
Anson
Granville.
LORDS
Byron
Yarborough
Ashburton
Glastonbury
Carrington
Ponsonby
Hutchinson
Stuart
BISHOP
Rochester.

HOUSE OF COMMONS.

Friday, May 16.

SAVING BANKS BILL.] On the motion for the recommittal of this bill,

General *Thornton* was of opinion, that the bill should proceed no farther in the present session, but that in the next something might be done. The difference in the actual state of interest upon exchequer bills, which was fixed by the present bill, amounted to 10*s.* and 5*d.* per. cent. and must fall upon the public. He hoped the right hon. gentleman would accede to the prayer of the petitions against the bill, and consent to its being withdrawn for the present session.

Mr. *Rose* said, the sense of the country was not against the bill. Petitions had been presented from three places only against it, Norwich, St. Paul's Covent-garden, and Hertford, and he believed the majority of the petitioners were now satisfied upon the subject of the bill.

The bill was then recommitted. On the clause which obliges the trustees of these institutions to vest all monies received by them in the funds of Great Britain, some conversation arose.

Sir *C. Monck* thought that the clause, if it passed into a law, would put the gentlemen who undertook the guidance of these institutions in a degraded condition, as they were thus declared not trustworthy, but were compelled to vest the money in a manner marked out for them, which might be less advantageous to those whose money they were entrusted with.

Sir *J. Newport* approved of the clause on this very ground, as it took away responsibility as to the disposal of the money, from the gentleman connected with saving banks.

Mr. Preston and Mr. Dickinson objected to the clause, as it would tend to throw into the funds, money which might be lent on mortgage, to the relief of the agricultural interest. The clause was finally agreed to. On the clause which allows persons who have money in saving banks to receive parish relief,

Mr. *Rose* observed, that this clause had excited more discussion than any other in the bill. Though many persons connected with the saving banks were persuaded that it was essential to the prosperity of the institutions, he should not have been disposed to press it, if a decided opinion appeared against it. The objections to it were much obviated by a limitation introduced, forbidding parish relief to be given to any person who had more than 30*l.* in one of these institutions.

Mr. *Brand* objected to the clause. The object of saving banks, was to induce the people to look to other sources than the poor-rates; and if the poor man was subject to lose his hard-earned savings, from illness, he had rather induce him to apply to the rich for their charitable assistance, for thus a feeling of benevolence on the one hand, and gratitude on the other, would be kept up.

Mr. *Barclay* thought, the parish funds would be so benefited by the introduction of saving banks, that the protection afforded those institutions would rather tend to benefit those funds than to press on them.

Mr. *Huskisson* said, that in considering this question in the committee, it had been agreed that the effect of the poor laws was, to give the improvident a right over the industry and property of others: the natural effect of this was, to increase dependence and mendicity; but while it was desirable to obviate the ill effect of these laws, it was necessary to encourage by every means a desire to do without their assistance. If the poor man thought that his small savings were to be swallowed up by the first fit of sickness, he would be entirely disheartened from saving at all. The case might be different if the poor laws had never existed; but after having given a bounty on improvidence to the amount of ten millions a year, the general feeling of the poorer classes could not at once be brought to relinquish all thoughts of the supports it had been accustomed to. In order to produce future good effects, it was necessary to incur a present charge by way of encouragement; he was, therefore, in favour of the clause. With respect to the charge thrown on the parish by the rate of interest to be secured to the contributors, no saving bank could be instituted according to this bill till two-thirds of the parish consented.

Mr. *Philips* objected to the clause, as likely to destroy every hope of exciting a spirit of independence. It would be less degrading than ever to receive parish relief, if it was once generally extended to and accepted by those who had property of their own. Besides, the contributors to benefit societies hitherto had never been deterred from contributing by the fear that they should therefore lose all claim to parish relief; that idea had rather stimulated than slackened their exertions to save.

Mr. *C. Grant* jun. supported the clause. In his opinion it would have a material tendency to create a spirit of independence in the breast of the poor man; and that was an object of the greatest importance to the interests of the man himself, as well as to the country.

Mr. *Lockhart* thought the clause could not pass in its present state. As the law now stood, it was never imperative on the overseer to grant parish relief without an order from two justices. By the clause before the House, it was made imperative, in the case of persons having money in saving banks, unless two justices made an order to the contrary. He was not aware that justices were in the habit of making negative orders.

Mr. *Sturges Bourne*, in reply to an objection that this bill might interfere with other benefit societies, said, that in other societies the sole object was relief in sickness and distress; in this it was the accumulation of principal; there could, therefore, be no interference.

Mr. *Preston* was in favour of the clause, because the measure was not more for the encouragement of the industrious than for the reformation of the dissolute and thoughtless, with whom the motive here held forth might operate.

Mr. *Western* objected to the innovation attempted to be introduced by giving parish relief to persons not absolutely incapable of supporting themselves. The only ground of relief was absolutely pauperism. Suspicion would also be created by such a bounty on saving banks, that they were intended to relieve the rich from the support of the poor, and not to rescue the poor from distress.

Mr. *Brougham* wished well to the bill, but felt much difficulty with respect to the two clauses under consideration. The first, however, he would pass over; but his objection to the second was invincible. It was an application, or rather a misapplication of the poor-rates, not to support the poor, but to give premiums for certain savings. The practical evil was, he admitted, small, but the principle was inadmissible. When a person had contributed for three years, he was to be entitled to a premium of 6*s* or 7*s* and 6*d*, according to the rate at which he had contributed. He could not approve of such a mode of coaxing and cajoling persons into industry and economy. Besides, it was in fact a premium upon previous conduct, rather than an incitement to future good conduct.

Mr. *Wilberforce* approved of the clause before the House, but as to the clause giving premiums, he had considerable doubts.

Lord *Milton* was inclined on the whole to approve of the clause before the House. As property in many shapes might be concealed from the overseers of the poor, and as money deposited in saving banks would be always known to them, it was not fair to lay persons thus depositing money under a disadvantage. As to the clause giving premiums out of the parish funds, he should object to it.

The clause before the House was agreed to; after which, the clause giving premiums to contributors was rejected. The other clauses were agreed to.

CLERGY RESIDENCE BILL.] On the motion for the House to go into a committee on this bill,

Mr. *Babington* objected to the general principles of the bill, on the ground that it would not answer the great end intended by it. It did not adequately provide for the evil of non-residence, and still left the clergy at the mercy of the informers. He took a view of the number of non-residents for a series of years, and said he was happy to find that the number of residents had materially increased within the last year. He regretted that the bill had no clause to promote residence; but he must leave the remedy to abler hands: he could not say that he had any hope from the bill before the House as to the general principle.

Sir *William Scott* defended the bill, which he thought preferable to the law enacted in 1803. That law was, no doubt, founded upon a proposition which he had the honour to submit to the House, and which he brought forward *multa gemens*. He felt, however, that some measure was necessary to enforce the residence of the clergy; but the law enacted was very materially different from that which he proposed,—for having to contend with the liberal on the one hand, and with the rigid and the austere on the other, he was compelled to accede to a law, full of such restrictions as to give encouragement to informers who harassed the clergy. From such a system every considerate, candid man must feel the propriety of releasing that meritorious body, and that being one of the objects of this bill, it had his approbation. Another object of the bill being to augment the power of the bishops, he felt it entitled to his support, because the church establishment of this country being an episcopal religion, ought of course to be placed under the control of the episcopacy. For who were more proper to enforce the residence of the clergy than the bishops, who were the best judges upon the subject, especially in directing the change of a system which had been tolerated for three centuries? As to pluralities, when it was considered that several livings did not exceed 50*l.* a year, any indiscriminate objection to the system could not be consistently maintained.

Lord *Ebrington* objected to the bill, first, because it proposed to confer upon the bishops the power of enforcing the residence of the clergy, while those bishops themselves were frequently non-resident—while, indeed, one bishop in Wales never resided upon his diocese at all (the bishop of Llandaff); secondly, because the bishops being so often non-resident had no opportunity of acquiring a competent knowledge of the qualifications of the clergy: and thirdly, because the arbitrary power which this bill proposed to create was but too likely to lead to great illiberality and injustice.

A member stated, that the reason for the non-residence of the Welch bishop alluded to was, that he had no palace on his diocese.

The House resolved into the committee, and after a conversation between Messrs. M. Sutton, C. W. Wynn, Phillimore, Bathurst, Vernon, Davenport, W. Smith, lord Palmerston, lord Milton, sir J. Nicholl, and colonel Wood, the House divided upon the clause for allowing the clergy to farm. The numbers were—For the clause, 38; against it, 35: Majority, 3. On the clause for allowing a clergyman to farm 50 acres, without any licence from the bishop, an amendment was moved for substituting 100 acres, and the gallery was cleared for a division; but during the exclusion of strangers, the blank was filled up with "80 acres."

The House then resumed.

HOUSE OF COMMONS.

Monday, May 19.

Habeas Corpus Suspension Act.] Sir *M. W. Ridley* inquired of the noble lord opposite, whether his majesty's government had come to a determination upon what day they intended to submit the proposition for a further continuance of the act for suspending the Habeas Corpus?

Lord *Castlereagh* said, that on the first or second day of the meeting of the House after the adjournment, a communication would be made to it from the Crown, upon which he should feel it his duty to move the revival of the committee which sat on the former occasion. He should do so, because he conceived that those gentlemen who had gone into the previous examination would be best qualified to pursue an inquiry into what had since passed in the country.

Mr. *Tierney* observed, that if the country was in such a dangerous state as to require the further suspension of the Habeas Corpus, and if ministers were in possession of the facts which rendered that measure necessary, it was most extraordinary that any delay should occur in making the communication. He always thought it was the duty of ministers to come forward immediately with their intelligence; but now they contented themselves with giving notice that they would frighten the House that day fortnight, and not before.

Lord *Castlereagh* replied, that as the present act would not expire till the 1st of July, it would be desirable to look at the state of the country down to the latest possible period, in order to guide their judgments in what future course it might be judged most expedient to adopt. He had, however, no hesitation in saying, that in the view which his majesty's ministers took of the question, the country could not be secured against danger without a renewal of that measure. At the same time, he did not wish to pledge any individual as to the conduct he should pursue when the question came forward.

Mr. *Tierney* said, if it was important to communicate at all the intelligence possessed by his majesty's ministers, he could not understand why it should not be now communicated. If, however, the noble lord wished to have the advantage of any chances that might arise in the interim, it was very well; but one thing was certain —something very terrible was to be brought forward on the 2nd of June.

Lottery Bill.] On the order of the day for the third reading of this bill,

Mr. *Lyttelton* said, that none of the objections to this bill had been removed. It was so bad in its principle, and so objectionable in all its branches, that the House must feel ashamed of it, and consider themselves bound in honour to reject it. He would therefore move that it be read a third time this day six months.

Mr. *Wilberforce* could not allow that opportunity to pass without bearing his testimony against the bill. The bad principle and the injurious effects of lottery bills had been always perceived and denounced by the wise and good. The aversion to their continuance had of late made great progress. The higher classes reprobated them, and the lower were beginning to see their ruinous tendency. They were not productive of much benefit to the state, and were most injurious to the morals and industry of the people. He, therefore, hoped the hon. gentleman who had signalized himself by his opposition to these measures, would soon behold his wishes realized by the abandonment of lotteries as a source of revenue.

Mr. *J. W. Ward* agreed, that lottery bills were most injurious to morals, and at the same time were not good financial measures; yet he thought the bill should pass at this time, for this reason, because none of the hon. gentlemen on the other side had pointed out any other mode of raising the money which the lottery supplied [a laugh]. Gentlemen might laugh, but he considered a deficiency in the revenue a great evil, and the deficiency created by rejecting this bill would be 500,000*l.*

Lord *A. Hamilton* said, he had been fully convinced of the insufficiency and injurious effects of such bills by the arguments of the hon. gentleman who spoke last on a former occasion. Those arguments were forcible and unanswerable. They were that night to consider of a compensation to the Crown for sinecure offices. Why should not that compensation embrace the lottery bill? Surely it was more essentially necessary to protect the morals of the people than to give a compensation to the Crown for sinecure places.

Mr. *Grenfell* affirmed, that as a source of revenue the lottery never produced one half the sum annually mentioned by the hon. member.

Mr. *Tierney* said, that as the right hon. gentleman had already made so large an issue of exchequer bills, he did not see any real inconvenience that would result from raising the proposed sum by an extension of that system.

The House divided on the motion, That the bill be now read a third time: Ayes, 73; Noes 48.

List of the Minority.

Atherley, A.
Brougham, H.
Butterworth, Jos.
Babington, T.
Burroughs, sir Wm.
Brand, hon. T.
Calcraft, John
Campbell, gen. D.
Calvert, Charles
Curwen, J. C.
Carter, John
Cavendish, lord G.
Fergusson, sir R.
Gordon, R.
Grenfell, Pascoe
Heron, sir R.
Howorth, H.
Hamilton, lord A.
Hornby, E.
Lamb, hon. W.
Lambton, J. G.
Lockhart, J. Ingram
Milton, visct.
Martin, J.
Mackintosh, sir J.
Morland, S. B.
Monck, sir C.
North, D.
Newport, sir J.
Ossulston, lord
Osborne, lord J.
Parnell, sir H.
Phillimore, Dr.
Rowley, sir W.
Ridley, sir M. W.
Rashleigh, Wm.
Romilly, sir S.
Rancliffe, lord
Russell, lord Wm.
Smyth, J. H.
Smith, Wm.
Sharp, R.
Sefton, lord
Thompson, T.
Tierney, rt. hon. G.
Waldegrave, hon. W.
Wilberforce, Wm.
Williams, sir R.

TELLERS.

Bennett, hon. G. H.
Lyttelton, hon. W.

Mr. *Grenfell* adverted to the clause in the lottery bill, by which the bank directors were entitled to a remuneration for the management of the money paid by the lottery contractors. He observed, that after repeated and ineffectual efforts to obtain the attention of government to the nature of the public dealings with the bank, he was now compelled to take that subject up piecemeal, and to lose no opportunity of exposing its prodigality. When this subject was before the House on a former evening, the amount paid to the bank for managing the lottery money was stated to be 1,000*l.*, he now found that it amounted to 3,000*l.* That sum might be considered trifling, compared with the many enormous sums taken by the bank from the public; but small as it comparatively was, it was still a striking link in the chain of bank rapacity and ministerial profusion. He thought the present a proper opportunity of expunging the clause from the bill by which that remuneration was granted, and concluded with a motion to that effect.

The *Chancellor of the Exchequer* assured the hon. member that if he could propose during the next session, a more economical mode of managing the lottery than the manner at present pursued, he would attend to the suggestion. In that advanced stage of the bill, it was too late for any experiment.

The motion was negatived. On the question as to the title of the bill,

Mr. *Lyttelton* moved as an amendment, that the words of the statute of king William should be prefixed, viz. "that this was a bill to enable the lords commissioners of the Treasury to raise sums of money, by setting up certain mischievous games called lotteries, against the common good, trade, and commerce of the kingdom."

Sir *J. Newport* observed, that it was the principle of our ancestors not to allow revenue to stand in the way of public morals. The reverse was the practice of the present day; for in the estimation of the chancellor of the exchequer, the morals of the people went for nothing, when revenue was the object.

The *Chancellor of the Exchequer* said, the act of king William adverted only to private lotteries.

Mr. *B. Moreland* contended, that the words of the statute were private lotteries and all others. It went farther: it declared them to be common and public nuisances. That was the law even at the present hour, although it was evaded by these annual licences. Indeed, as the law now stood, all persons in any way concerned in planning and executing lotteries were declared to be common rogues.

Mr. *Brougham* thought the chancellor

of the exchequer should introduce a clause exempting contractors and others from the penalties of the act mentioned. Experiments, dangerous to lottery contractors and speculators, might be tried under the statute of William, which was still in force. If the preamble taken from the statute would not suit, he suggested that it should be intituled "an act to raise money to his majesty, by encouraging vice and immorality among the lower orders."

The original preamble was agreed to, and the bill passed.

JUSTICES IN EYRE ABOLITION BILL.] On the motion for the second reading of this bill,

Mr. *Boswell* expressed his unwillingness to strip the Crown of the means of rewarding public services. That public services ought to be rewarded, was the opinion of the finance committee. There might be a difference of opinion on the manner in which those rewards should be conferred, but in the propriety of granting them, none could be entertained. Weak as he was himself, his ideas on this subject were supported by the authority of that great champion of retrenchment, Mr. Burke. When he brought forward his bill in 1782, he did not look to those sweeping measures which were now contemplated. He would go farther back, to the year 1780. In his speech, delivered at that time, which was on record, so far from condemning those offices, as injurious to the public, he considered it a matter of vital importance to retain them: and observed, that it was right the Crown should have the means of rewarding public services, in a way which even its own caprice could not afterwards recall. Those, he said, who retired from the bustle of public life, should be put beyond a precarious reliance on political friends; and, above all, beyond the operation of the inconstancy of princely favour. The committee had discovered but four classes of individuals, containing twenty-one persons, who were entitled to be rewarded for their services, by the sovereign. He decidedly objected to the conclusion to which the committee had come, in thus contracting the power of the Crown in one of its most grateful departments. The criterion of service was now the length of time during which office had been enjoyed. But, looking to the history of the country, individuals might be found, who had done more real public service in a short period, than others had performed in a long lapse of years. He denied that the influence of the Crown had increased to any undue or alarming extent. Favouritism had not placed Nelson in the command of a fleet, or conferred on lord Wellington the conduct of our army. In this instance, they were about to ask the Crown to give its assent to a bill, which condemned the exercise of its free will and discretion, in granting rewards during all time past. He thought, with the great statesman whom he before alluded to, that if, in compliment to popular clamour, they did away all incentive to honourable ambition, no man knew what infinite mischief they might inflict on the country through all ages. As he was one of those who wished public services to be properly rewarded, and as he desired to see public men, at the close of their political life, honoured with some mark of the gratitude of their country, he could not, and he would not, give his support to any one of these bills.

Lord *Milton* wished only to say a few words on a measure which he thought would have met with no opposition; and he would not have said any thing at all, had he not been induced to animadvert on some parts of the hon. gentleman's speech. He had quoted Mr. Burke's speech on the civil list; but he had totally misapprehended him. If he (lord M.) had any fault to find with the committee, it was because they had not viewed the whole subject so comprehensively as Mr. Burke, but had taken scraps and shreds of his principles. The hon. gentleman had said, that Mr. Burke was against the abolition of sinecures, and quoted a part of his speech that seemed to countenance that idea; but had he read the whole, he would have seen that Mr. Burke, in advising the alienation of the Crown lands, contemplated the abolition of this very office of the justices in eyre, as one of the beneficial consequences of that measure. "Thus," said he, "would fall the justiceship in eyre," &c. Mr. Burke thus not only recommended the abolition of these sinecures, but the removal of the very foundation on which they rested. The hon. gentleman had said, that the proposed system of abolition would make inroads on the constitution, but these sinecures, were no parts of the constitution. As efficient offices, they were parts of our government formerly; as sinecures, they were now none. He was as little disposed to yield to the clamour of which the hon. gentleman had spoken as any man, but it was not clamour only that was against sinecures! all the middling ranks of society, and even the highest order of the public out of doors, had expressed a decided opinion against them; and God forbid that he should oppose the universal and decided sense of the country!

The bill was read a second time.

Civil Services Compensation Bill.] On the motion for the second reading of this bill,

Sir *Robert Heron* declared it to be his intention to give this measure all the opposition in his power. He was not desirous of singling out this particular bill, but was willing to consider it as only part of one entire proceeding, which he could view in no other light than a gross, although he hoped a vain attempt to delude the public. The reports of the finance committee professed but little, and did not perform what they professed. They had declared that there were offices which required regulation, but, with courtly politeness, they left it to the treasury to determine to what extent and in what manner. He doubted not the treasury would act as they had done in regulating the household and the civil list; that is, that they would add new appointments, and enlarge former salaries. It was with feelings of pain he disagreed with some of his hon. friends upon particular points connected with this subject; but he could see no reason why an abuse which had existed ten years, should be allowed to continue twenty more. Our ancestors had frequently reversed the improvident grants of the Crown, and never did the circumstances of the country so imperiously require the observance of a similar conduct on the part of parliament. When the question was, to rob the people of those rights which constituted their most valuable possession, the delay of a few days was considered to be too much; but when the question was to take away pensions from those who rendered no service, and were entitled to no reward, the House was told that they must wait till the grants expired which was not till those expired who enjoyed them. As if even these tardy benefits were envied, the present scheme of compensation was devised; a scheme which described no natural bounds, and which would, therefore, probably be carried much farther than its letter allowed. To him it seemed as if a conspiracy had been formed to induce the people to petition for the continuance of sinecures, as the lesser of the two evils. The bill was altogether founded upon a fallacy. For the first time in the history of the country, he found the principle avowed, that places of high political power were a fit object of pecuniary speculation. He was aware that tellerships of the exchequer and other appointments, had been conferred on eminent characters and great law-officers, as the reward of great and laborious services; but he had understood, that they now received pensions as a more proper mode of remuneration. He never had heard it said in that House, that sinecures were the great source of the public grievances; nor did he believe that it had ever been asserted, except by an ephemeral orator in Palace-yard, a great favourer of the designs of his majesty's ministers, but of whom we now heard very little. He regretted much that the committee should have lent itself to the wishes of those ministers, because what those wishes were might be discovered at a single glance over their conduct during the last and present sessions. They began the former session by a promise of economy from the throne; a promise that was at once an insult on the illustrious person exercising the functions of sovereignty, and a mockery of the distresses of the country. Whilst these honied words still dwelt upon their ears, they proceeded to raise the salaries of offices, the labours of which were diminished, and at a moment when the value of money was augmented. They proposed no retrenchment themselves, and resisted whatever proceeded from others; nor was it till those members who were accustomed to support them, much to their honour, compelled them to attend to economy, that they showed any disposition to appoint a finance committee. He had thought that the committee, when at length formed, would have directed its attention, in the first place, to the expenditure of the civil list. It was from this point that the example of retrenchment was expected to proceed. There, where all were looking however, for reduction, an additional debt of 260,000*l.* had been contracted. He knew that an equal amount of arrears had been before provided for, not under the sanction of parliament, but from those equivocal funds, the droits of the Admiralty, the fruits of national injustice, and the prey of royal piracy. The public had expected some sacrifice of that vain parade and pageantry, which conferred no real comfort on the prince, and which great princes detested and despised. This was a proceeding, however, which an administration that subsisted by corruption could not be expected to recommend. He could see nothing in the military reductions which savoured of substantial retrenchment, so long as our peace establishment exceeded every former one in the most prosperous periods. When he beheld us retaining colonies from our allies, the Dutch, which we did not want, and which required a large force to defend them, he feared the real object was the maintenance of something like a military government at home, in order to support the system of taxation, and keep down the discontent which it generated. He would prefer throwing all the bills out together to the passing that which was immediately under consideration.

The gallery was cleared for a division, and strangers were excluded. On our re-admission we found the debate proceeding, and

Mr. *Brougham* in possession of the House. He considered that application ought to be made to parliament, to enable the Crown to make provision for public services, as each case should arise, and be examined on its own peculiar circumstances. He objected to the present plan, because it was systematic and prospective, investing the Crown with an annuity of about 42,000*l.* in addition to the pension list of the country. It had been well said, that this was the first time in which the idea was embodied into an act of parliament that politics were a trade. He entreated his hon. friends, before they gave their approbation to this measure, to go with him into a scrutiny of it. The pretence on which it was founded was undoubtedly plausible: it was, that a power should be reserved to the Crown of rewarding effective services, now that a large share of its former influence was to be taken away. He denied, however, as a proposition of fact, that this influence would be so diminished as not to leave the Crown possessed of ample means of rewarding meritorious exertions. The amount of the pension list in 1809, a year when the 4½ per cent. fund fell extremely short, was 220,000*l.* Upon that list were to be found the names of persons who had rendered no service; persons who belonged to families not more distinguished for their antiquity and rank, than for their wealth and splendour, and whose only title to their pensions, he presumed, was their invariable support of the ministers of the Crown, whoever those ministers might be. As long as one such considerable pension remained, so long there would exist a fund applicable to the reward of meritorious service. The present bill ought to be entitled a bill to enable the Crown to continue the misapplication of funds which the constitution had vested for public purposes, not for the indulgence of its private bounty, gratitude, or charity. It was monstrous, in the present state of the country, that such an object should be contemplated. He saw on the opposite benches some hon. members who enjoyed pensions of 800*l.* or 1,200*l.* a year, which he regarded as nothing more than the fair remuneration of their official labours; but this only served to prove that for this purpose the Crown was already in possession of adequate funds. It was not enough to show that some patronage had been taken away; it should be proved that enough had not been left for the due reward of efficient service. The old grounds on which these sinecures were defended, were, that they were necessary to the splendour of the Crown, to its weight in the country, and its influence in both Houses. It was said also, that there was something in their antiquity that made them dear to some people: but it had of late been discovered that they had another merit, which was that of constituting an useful provision for a certain class of men of great talents, but of small private fortunes. This was just as unfounded as any of the other topics of justification, and must appear so, if it could not be denied that they never had been so applied. He would show this by referring separately to a few of them; and he would begin with the wardenship of the Cinque Ports, and governorship of Dover Castle, because this came nearest to the description in the use which had been made of it. At the commencement of the present reign, it was held by the duke of Dorset, and then by the earl of Holderness. To him succeeded lord North, at an early period of his political career, Mr. Pitt, and the earl of Liverpool. With respect to the offices of the chief justices in eyre, he should be happy to meet his hon. friend, the chairman of the committee, on this point. The first of those very poor and humble adventurers was, as in the case of Dover Castle, the head of the Dorset family. Why, then, he would ask, were such persons to be compensated? Was it on the principle that they had relinquished a lucrative profession? This was impossible, because a peer could not go into a lucrative profession. Of the 60 persons who had held the chief justiceships in eyre there were only five commoners, of whom only two were known to recent times, Mr. Grenville and Mr. Villiers. Not one single individual had held those offices who could reasonably apply to the Crown for any compensation on the principle of being poor individuals. Of the lords justices general there had been 33, and only three that had not been persons of great rank. The offices of lord registrar and the keeper of the great seal of Scotland had also, since the union, been held by wealthy peers, except perhaps in one instance. After this statement, then, he would ask the House, whether they were prepared to say that the argument of compensation by the Crown was founded in good faith, or would bear to be examined? The Crown had the means of rewarding effective services from the pension-list; and they might safely take away all those sinecures without preventing poor persons from becoming statesmen, except in one or two instances, in two or three centuries. He requested the House to observe what a great proportion of those offices had been held by wealthy persons since the American war. The argument that men should be paid for public services was of very recent date; and he would ask, why it should be laid down that statesmen must look for compensation from the Crown, when they remembered the Sommerses, the Godolphins, and all that class of illustrious statesmen who had devoted themselves to the service of their country? What new light had come over this age, that we were to take men into the pay of government, merely with a view to reward them on their retirement from office? When chancellors were remunerated, the case was very different. The man who was promoted to that elevated station had been a barrister; and when he went to the bar, he went to it for no earthly purpose but to advance his fortune, just as a merchant or a tradesman goes into his counting-house or behind his desk. He was, therefore, to be treated as a professional man to the end; and when he retired, we should give him half-pay, in the same manner as we rewarded the man who had served in the field. This was the principle that was applied to the discharge of clerks in office, and he sincerely wished that they had more. He objected, however, to considering men in the higher situations of life as mere traders in office. Had a statesman no higher view? Was his conduct influenced by no better motive than the prospect of a pension on retirement? He could not, he would not believe, that any man sincerely desirous of serving his country, or of preserving the high reputation which his talents might gain, could be actuated by principles of so low and sordid a nature. But, supposing for a moment, that men got into parliament, or even into office, with such interested motives, was it decorous in that House to tell it to the world? Was it politic in them to proclaim it to the country by act of parliament, in the black letter of a statute, that men entered into parliament as a trade? that they took a brief with a retaining fee, and then retired into their original penury? Were these the principles upon which the illustrious statesmen of former times had acted? Was this the way in which England had attained her pre-eminence over every other country? No; it was by having a race of high-minded, sound-principled men, who stated their opinions in parliament because they were their opinions; who were not picking up pelf on every occasion that presented itself, but who did that which their consciences and their principles directed them to do. But he denied the argument of compensation upon another ground. He said, that there lurked in this argument neither more nor less than a gross fraud. What could be more shocking or mischievous, or delusive, than the argument that public men were to be treated as if they were traders in politics? To declare that we must give the Crown the power of compensation in such cases, was a fraud on the constitution and on the people.—But the principle of this compensation bill was not that which it pretended to be. It did not call forth persons into the public service. It did not enable men in inferior circumstances to engage in politics. It did not secure to them a compensation for so doing. He admitted that it did draw forth one class of public men. But who were they? Was the state served only by men in office? Did no man serve the country but him who had been six years in office? Did the man who gave up his days and nights to his attendance in that House, and to the studies necessary to make that attendance valuable, confer no benefit on the community? These indeed served their country—the others served themselves. He saw surrounding him persons who had toiled long and hard in the discharge of their duty to the country; who had on many occasions rendered it the most essential service; but who, in the whole of their political lives, had not been above eleven or twelve months in office. Was he to be told on that account that their labours had not been eminently beneficial to the public? Was it to be established as a principle that he only was a public servant who held an office? The great business of government in this country was carried on not behind desks and in cabinets only, but in the great council of the nation. There had been many instances in our history—even during those periods of the administration of sir Robert Walpole, of lord North, of Mr. Pitt, at which their power was the most uncontrolled—when the course taken by the great machine of the state was not wholly the result of the force impressed upon it by the government, but partook largely of the counteracting impulse of their opponents. Many bad measures had been adopted notwithstanding that opposition, but many worse had been altogether prevented. The effect which the efforts of those individuals who were not in office, had in modifying the measures proposed by those who were in office, no one could possibly doubt; and it established his position, that the substantive business of government was carried on in parliament. Here, then, was the inconsistency of the bill. Under the pretence of calling forth generally the exertions of statesmen, it only tended to call forth the exertions of those who were devoted to government. It was true that to the nature and capacity of such individuals, the rewards held out by the bill were peculiarly adapted. And yet office wanted no such charms. He appealed to the experience of the gentlemen opposite, and to the observation of the gentlemen surrounding him, whether, in their time, at least, there had been any fear of a scarcity of individuals ready to hold official situations? Notwithstanding all that had been said of the little value of office, that it was hardly worth having, that it had lost all its attractions, &c. he did not perceive any symptom of a lack of candidates for it. Why, then, offer a bounty to persons to enter that House for the purpose of running an official career? If done—if the patronage of the Crown must be strengthened for such an object, at least let the object be called by its plain name—let its real character be exhibited—let it at once be stated to be to enable poor men to serve the Crown. In his opinion office was not a situation for a poor man; who might more effectually serve his country by continuing in his original and proper sphere, and performing the humble duties which belonged to it. The aim of a statesman should be of a more exalted character; although the gentlemen opposite did not seem capable of forming a conception of a man devoting himself to public life, without the hope of lucre, they could not conceive the possibility of making the business of the state any thing but a matter of trade and gain to the individuals transacting it. The hon. and learned gentleman concluded by recapitulating his objections to the bill. They were, first, that the Crown already possessed sufficient means of compensating public service; secondly, that the proposed addition to those means would only lead to their misapplication; thirdly, that under the pretence of encouraging individuals to devote themselves to the public service, the bill merely tended to draw such men from their respective avocations in life as were desirous of becoming office-bearers; and lastly, that it was the first time of proclaiming to England by act of parliament, that politics had become a trade.

Mr. *Bankes* was of opinion, that the present bill, enabling the Crown to compensate meritorious services, whilst it was deprived of the sinecure offices which were heretofore at its disposal, instead of proving injurious, would be found beneficial to the country. He agreed that the quantum of compensation to be granted was a fit subject for consideration, and he was ready to go into this, when the bill arrived at the committee. The hon. and learned gentleman had contended, that the Crown had already sufficient means for rewarding meritorious services, and that more were unnecessary. He (Mr. Bankes) was of a different opinion. When it was remembered that the power of the Crown in this respect was limited in 1782, the decrease in the value of money considered, it could not be a matter of surprise that more should be now wanted. In some of the hereditary revenues of the Crown there had been a falling off. The effect of the present bill would be to prevent pensions being granted in future but for the reward of meritorious services. He appealed to the House if it was fair to take at once from the Crown so large a portion of the means it had at present for rewarding meritorious services, or for tempting men of talent to devote their time to the public without rendering something to the Crown in return? The question had been argued as if unlimited powers of compensation were to be given to the Crown. This was not correct. They were to be limited in the committee. It would then be seen what they could take away and what they ought to give. He was anxious, on the one hand, not to strip the Crown of its power too much, nor to put too large sums in its hands on the other. The propriety of providing for those who might give up their professions for the public service, when circumstances should make it incompatible with their views to remain in office, was, he thought, clearly established. This was shown in the case of Mr. Pitt. Had he not engaged in the public service, could it be thought that his circumstances would have been such as they were at the time of his death? The salaries of the higher officers of the state, though raised to two or three times their present amount would not make the holders of them gainers in money. He was satisfied more was frequently lost in them then was gained. The manner in which sinecure offices had heretofore been given, made them odious to the public. Bestowed in the way proposed by this bill, the people would never object to them. On the merits of those who participated in the debates in that House, it would ill become him to say any thing in opposition to what had fallen from the hon. and learned gentleman. He, however, knew of no mode, by which the government could be prevented from giving the offices at the disposal of the Crown to their friends. It was natural to suppose they would not be bestowed on those who met their measures with systematic opposition. The report of Mr. Burke's committee on sinecure offices had admitted that it was necessary that meritorious services should be rewarded by pensions, as they could not be adequately remunerated by emoluments arising from situations held during pleasure. Sinecure offices had, perhaps, heretofore been as often capriciously as worthily bestowed. This evil was endeavoured to be corrected by the present bill, which took out of the hands of the Crown the power of doing so. The hon. baronet had, among other grievances, complained of the sums expended on what he called an unnecessary war. The debts incurred in the prosecution of that contest could not cease with it, but the sinecures might. He was surprised that the hon. and learned gentleman should not concur in the propriety of attempting to remove them. The petitions for parliamentary reform differed from each other in many respects, but in one point they all agreed—in the propriety of abolishing sinecures. These, instead of being the evils they had been, would, in his opinion, if regulated in the manner proposed, become one of the most salutary parts of the constitution. He was friendly to the principle laid down on this subject by Mr. Burke, and by other distinguished statesmen, and from that principle he hoped the House would never depart.

Lord *A. Hamilton* opposed the present bill, as he thought no compensation ought to be granted for offices like those which were to be taken from the Crown, since, in his opinion, they ought never to have formed a part of its patronage. Without these sinecures it appeared to him the Crown possessed sufficient means of rewarding meritorious services. But he would ask, if there was nothing in the present circumstance of the country, that ought to call upon ministers to curtail the public expenditure? Could it be supposed that the people would be satisfied with what was now proposed to be done? His opinion was, that they would not, and thinking the power of the compensation proposed, to be given quite unnecessary, he should vote against the bill.

Mr. *J. H. Smyth* did not rise to vindicate his own consistency, as he should vote on the present occasion as he had done in 1812. From the Crown it was intended to take certain sinecures, which it had long had the right of granting, and therefore to him it appeared that some compensation ought to be given for that which was now to be put under the regulation of parliament. Feeling that the bill was founded on strict justice and sound policy, it would have his support.

Mr. *Douglas* objected to the whole of the bills, and the principle on which they proceeded, which went to denude the Crown of the means which it ought to possess of rewarding public services. The consequence of these bills must be to make every man carry with him into office the character of a pension. He thought that too much weight had been given to the popular expression throughout the country against sinecures, and that for the purpose of maintaining the good opinion, and the good wishes of the country, members not unfrequently acted in a manner which could not but have a most prejudicial effect on the public mind? What effect, for instance, could be produced by the late offer of part of the salaries of men in office but the leading the people to suppose that public services were too highly rewarded, whereas the contrary was well known to be the case? By such measures as the present the country was not to be relieved, and he therefore gave his decided opposition to the bill.

The House then divided:

For the second reading - - - 105
Against it - - - - - - - - - - - 45
Majority - - - - - - - - —60

List of the Minority.

Atherley, Arthur
Aubrey, sir John.
Baillie, sir E.
Barnett, James
Barnard, visc.
Brand, hon. T.
Campbell, gen. D.
Carter, John
Duncannon, visc.
Douglas, W. Keith
Fergusson, sir R. C.
Gordon, Robert
Guise, sir Wm.
Hammersley, H.
Howorth, Hum.
Hughes, W. L.
Hurst, Robt.
Jervoise, J. P.
Lefevre, C. S.
Lyster, R.
Mackintosh, sir J.
Maitland, hon. A.
Marjoribanks, sir J.
Martin, Henry
Martin, John
Mathew, hon. M.
Milton, visc.
North, D.
Newman, W. R.
Osborne, lord F.
Ossulston, lord
Parnell, sir H.
Proby, hon. capt.
Phillimore, D.
Rancliffe, lord
Rowley, sir Wm.
Russell, lord Wm.
Sharp, Richard
Sefton, earl of
Talbot, R. W.
Tavistock, Marquis
Waldegrave, hon. W.
Webb, E.
Wilkins, Walter
Williams, sir R.

TELLERS.

Brougham, Henry
Heron, sir R.

HOUSE OF COMMONS.

Tuesday, May 20.

PETITIONS FROM DUBLIN AND CORK FOR A REFORM IN PARLIAMENT.] General *Mathew* presented the Petition of a numerous body of the citizens of Dublin, legally and constitutionally convened, to petition that House for a restitution of those rights and privileges of which they conceived themselves deprived by a series of flagitious transactions and political crimes, disgraceful to the history of the country, and still more so to the constitution of parliaments. They expressed in the petition their conviction that there existed no longer any fair or free representation of the people in the House of Commons, as constituted at this day. Ireland was now no longer a free country, governed by its own parliamentary representatives of both Houses. The city of Dublin was not, as once it had been, the free metropolis of independent Ireland—she had, he regretted to say, sunk into the insignificance of a provincial town, remote from the seat of government and the great councils of the nation. However unfortunate they considered the circumstance of their being thus severed from their national council, and from the protecting influence of a domestic government, still it appeared from the prayer of the petition, that they were not altogether without hope, that the system of the representation might be yet changed for the better. The petitioners (continued the gallant general) are not only of opinion that the constitution of this House is not such as entitles it to be considered a fair and adequate representation of the nation, but boldly assert that it was owing to a parliament of their own, constituted as this now is, that the Irish people had lost their independence, and been sold by those who, to their eternal disgrace, had the consummate effrontery to sell the unalienable rights of a nation, until then free, prosperous and independent. The sentiments they entertained of the present constitution of parliament, have been embodied in hundreds of petitions laid before this House. These sentiments are not the sentiments of Irishmen alone—they are the sentiments of Britons also—what is more, they are the sentiments of every British subject out of place, pay, or pension, or the expectation of place, pay, or pension, throughout the empire, to a man. Lord Camden—the illustrious, the titled, the pensioned lord Camden, has expressed it to be his conviction, that a parliament convened as the British parliament now is, instead of being capable of defending the just rights and privileges of the subject, was no more or less than a corrupt usurpation of those rights and privileges. From the operation of such an united mixture of degradation and corruption, what has been the baneful results in Ireland? A degraded nobility, an impoverished gentry, an almost extinguished commerce, traders in a general state of bankruptcy, and a beggared people. The only remedy for the growing evils appears to the petitioners and to me, the recurring, first, to short and annual parliaments, as has been the case in our earlier history. The Bill of Rights has adopted the idea of annual parliaments, and considers it conducive to the safety and happiness of both the Crown and the kingdom at large. Lord Raymond considers long parliaments mainly prejudicial to the fairness of representation and freedom of debate; as it must be clear, if a man will pay a large sum of money for a seat for three years, he will pay much more for a seat in a septennial parliament. Even Mr. Pitt was a strong antagonist to septennial parliaments, and upon the first proposal of septennial parliaments in the House, it was then admitted, that nothing but the extraordinary state in which the country then was, could authorize the bare introduction of so objectionable a measure. At that period there had been a new right of succession to the Crown acknowledged, and there existed an illegitimate or legitimate, call it which you will claimant on that succession. The country was divided in wishes and in affection—rebellion was apprehended. Where is the justification, then of septennial parliaments now? Where is the rebellion to be apprehended? Yes; you may see it in the terrified imagination of a weak and pusillanimous committee. It may be heard out of the mouths of a ministry full of mischievous machinations to keep in place, and who have succeeded so far in frightening the nobility and landholders throughout the country, that in their present panic they would believe in any old woman's tale—a story of another gunpowder-plot—a warming-pan, or a pop-gun [a laugh]. I have often heard, Sir, of the Bill of Rights, the glory, the boast, of Britons—that they never would be induced or terrified to make a base and cowardly surrender of their birth-rights, as Britons. What are the concessions of to-day but a surrender of those liberties? Are not the best informed, and most public-spirited of our public writers obliged to fly from their country on account of the dangers attendant on a free expression of political sentiment in any publication addressed to the people? May not the best and most worthy member of this assembly, after an expression of his sentiments for the public good, this night be apprehended on his way home, dragged from his family, and incarcerated in a dungeon at the will of a minister?—and even in that state of degradation will he not be denied the common right of Britons—a jury of his peers? Has not almost every city, town, and village in the kingdom, protested against this alarming attack on their liberties—against the constitution of this House, which still dares to call itself the representative of the nation? And do the members not sit here nightly voting away the public money, and sanctioning the acts of administration in despite and defiance of those repeated but neglected remonstrances? Nothing will avail, to quiet the popular apprehension, but a radical and speedy reform. Remove, it is said, the ministers. It would be an useless experiment; another ministry, with so corrupt a House to second its attempts on the constitution, would be as dangerous as the present. Remember the words of that great statesman, who predicted, that if the House did not reform itself from within, it would be reformed from without with a vengeance. I have the honour to move that this petition be now read.

Mr. W. Talbot seconded the motion. The petition was then read and laid on the table.

Sir *F. Burdett* rose to present a petition agreed to at a meeting of the inhabitants of Cork and its vicinity, praying for a reform in parliament. The petition touched on the dreadful state of distress which was prevalent in that part of the empire, and prayed for a reform in parliament, as the best means of alleviating the deplorable situation of the petitioners, who complained, that persons could not leave the country, neither could they procure employment in it.

Sir *N. Colthurst* admitted that the meeting at which this petition had been agreed to, was conducted in a very orderly manner—but, as to the persons attending it, he could not say much for their respectability. He had, sometime since presented a petition on the same subject; and though he declared that he could not support the prayer of that petition, he was bound to say, that many of those who attended the meeting were persons of respectability. With respect to the present meeting, he could only say, that it was conducted in an orderly manner.

Ordered to lie on the table.

STATE OF THE REPRESENTATION.] Sir *Francis Burdett* rose, to bring forward his promised motion upon the subject of a

Reform in Parliament, and addressed the House nearly as follows:—

I feel myself placed, Sir, in rather an awkward situation, in proceeding to discharge my duty—that of bringing under the consideration of the House the motion of which I have given notice. At any previous period, I should have thought I had performed all that could be demanded of me, if I presented to this House strong and decisive grounds for believing, that the elections of members to serve in parliament were not of that description, which, according to the law and constitution of England, they ought to be. At any former period, I should have thought it merely sufficient to state, that not in one or two cases of election only, but that in elections generally, and almost uniformly, the practices which prevailed in returning members to this House combined in them principles that were most hostile to the constitution of the country, and consequently most destructive of the rights and liberties of the people. In a word, I should have thought, if I laid evidence before the House, to induce it to believe that gross and notorious corruption existed in the election of its members, that I had done all that it was necessary for me to do, in order to bring under the consideration of parliament, an evil of such great magnitude—an evil which is fatal to the vital interests of the constitution, and to the prosperity and welfare of the country. But I now feel myself placed in a peculiar situation; because that which at former periods would have been heard of with disgust, and looked to with abhorrence in this House, as it undoubtedly is by the public out of it—and which would have induced gentlemen to agree with me in the necessity of applying some measure as a remedy to the evil—is now no longer viewed with feelings of abhorrence. It seems, Sir, that a new doctrine has been promulgated upon this subject, and that that which in better times would have been stigmatized as the basest and most pernicious species of corruption, is now proclaimed to be the legitimate and regular means of carrying on the government of the country. We are now told, and unblushingly told, that corruption, both within and without these walls, is absolutely necessary, in order to carry on the business of the executive government; and that the seeds of that corruption, which were hitherto considered destructive of the constitution, are, in fact, the seeds from which the constitution sprang, and support that practical government under which the people of this country ought to live. I also feel it peculiarly awkward, that I am, on this occasion, obliged to address myself to those persons, of whose actions I have, at the same time, reason to complain. It is certainly a very awkward predicament, for any man to come and ask redress from those whom he accuses, and of whose injuries he complains. It is curious to ask of an individual to grant a remedy, to afford a redress of evils, which you complain he has himself committed. But, I am persuaded, that the House, when it comes to consider the general voice of the people out of doors—when it looks to the numerous petitions laid on our table—when it reflects on the still more numerous body of petitions that have been rejected—all of them complaining that great grievances exist in the country, all of them stating that the corruption of parliament is the principal point from which those grievances spring, and calling for a redress of them—will admit, that more petitions have been presented on this subject, than on any other occasion whatever—and I hope they will produce a proper effect on the minds of those whom I am now addressing. Formerly, it was said, when motions on the subject of parliamentary reform were made in this House, "The people do not desire reform. Where are your petitions from Birmingham, from Manchester, and from other places that are denied the privilege of sending members to parliament? There are only so many petitions before the House, expressing the sentiments of a very small number of persons." Sir, there are now petitions on the table from Birmingham and Manchester, most numerously signed. There are petitions not only from these places, but from every part of the country, bearing not less than a million of signatures. Whether gentlemen believe the statements contained in these petitions to be well grounded or not—whether they believe that the evil can or cannot be removed—whether or not they give credit to the facts, or the allegations stated in them as facts—they will, I should suppose, think it rather indecent not to institute some inquiry into grievances so generally felt and so generally complained of.

It has been said, that parliamentary reform is a wild and visionary speculation, that many of these petitioners have demanded that which was never thought of in former times, which never had existence except in the imagination of the petitioners. It has been said, that they entertain a mere visionary notion—that they are deluded by the new-fangled doctrines of the present day. At the outset, one of the points of reform for which they contend, namely, Annual parliaments, was so designated. It is, Sir, really curious that gentlemen can pay so little attention to the real history of their country, as to consider that annual parliaments were unusual—because it appears quite plain, from the earliest periods, the history of which has been partly delivered down by the writers of those days, and partly by tradition, that annual parliaments were the constant practice and usage, for centuries, in this country. This may not, perhaps, be a matter of great importance to the question; because it may be said, "It is not so much what *was*, that we should consider, as what *ought to be*." But, Sir, it strengthens the claim to a man's rights, if he can shew that the claim is founded on the practice of remote periods. And, certainly, it is a complete answer to those who say that the doctrine of annual parliaments is new-fangled, if it appears that it is as old, and even older, than the time of William the Conqueror. If tradition can trace it to such a remote period—if the earliest law-writers speak of the practice—what becomes of the assertion that the doctrine is novel? Andrew Horn, one of the most ancient authorities, who edited, though he did not write "The Mirror of Justices," a work of which lord Coke thought very highly, expressly says, "that the parliament was to meet twice a year. The king might call parliaments oftner; but they met as matter of course, for the purpose of controlling any undue authority in the state, and in order to remove abuses, which, in every state were continually rising up, twice in each year." If you find, Sir, that this principle of law was preserved in the code of William the conqueror—if you find that the king swore to obey that law—if that monarch, falsely called the conqueror of England, but who certainly aspired to the Crown, declared that "he would govern by parliament, and the free usages and customs of this country,"—can it be said that the doctrine is one of the present day? It is of no use to say that king William, like many other kings, was a perjured monarch. The circumstance shews the spirit of our ancestors; it proves that they never abandoned their rights; and, indeed, the whole history of England brings to our view a manly feeling amongst our forefathers to place the Crown on the head of him, who, they believed, would best preserve those rights, liberties, and privileges, which they never lost sight of.

If we come down to a somewhat later period—to the reign of Henry 3rd, when parliaments were said to be better constituted, we shall find it said, that, to discontinue the holding of parliaments annually, must be considered as a great abuse, and one which could not be admitted. From the time of Edward 1st, down to that of Edward 3rd, and almost to the reign of Edward 4th, it appears that annual parliaments were resorted to. Now, that there were some instances of kings who did not call frequent parliaments, and who were, in consequence, dethroned, I admit to be true. But I say, still, that the people of England never abandoned their right to depute a part of their body to watch over their interests in the House of Commons. The laws of Edward 3rd, declared parliaments to be annual. I know it may be said, that though parliament might meet annually, it was not therefore annually to be elected. I must then inquire, what was the practice? For I know no other way of coming to the true exposition of an obsolete law, but by looking to the way in which it was administered. Now, during the whole of the reign of Edward 3rd,—and a more glorious period is scarcely to be found in the annals of our country—annual parliaments uniformly prevailed. Even the law of annual parliaments did not mean, that parliaments should continue for an entire year—but that the king should not suffer a year to pass by without calling one. They separated at the end of a short session, of perhaps forty days or two months—but none of them continued for a year; and, in one instance, no less than five new elections took place within that period. When we see that it was the practice and the letter of the law—when we find that the whole frame of the constitution depended on having frequent parliaments—how can it be argued that the principle is one of yesterday's growth? With respect to the right of proroguing parliament, the monarch knew it did not mean, that he had the power to prorogue parliaments as often as he pleased, and for as long a time as he pleased. It was imperative on him not to let a year pass by without calling a parliament. From the works which have been lately written on this subject—(which display so much argument, ability, and research into ancient records, that they must make this important subject clear to every gentleman)—it seems quite evident, that, from the earliest time down to the 23d of Henry 6th, our ancestors were in the constant habit of having parliaments twice and three times in the course of a year—and no instance occurs of any parliament continuing longer than a year.

Then we come down to the time of the civil wars—the period of the dispute between the Houses of York and Lancaster. This was not a time from which precedents can be drawn. At that period, one party endeavoured to put down the other—and each, in turn, sought to attain their ambitious ends by force and violence. But even then it is extraordinary to remark how few instances there were of parliaments being kept long together; and though the abuse of long parliaments might be said to be established, yet that system was not much acted on until the time of Henry 8th; and, Sir, the circumstances which occasioned that monarch to pursue the course he had adopted, affords a strong argument in my favour. When Henry 8th wanted to get a divorce from his wife, and had quarrelled with the pope and with the clergy, he sat about effecting what was called the Reformation—and, for that purpose, he kept his parliament together for five years; the longest time that parliament had ever before been continued. The reason of his doing so appears obvious. Henry, being anxious to carry measures which were not in conformity with the sentiments of the great bulk of the people—which were not supported by the generality of the nation, but by a party in the nation—found it necessary, for that purpose, to continue the parliament. He wished to govern without the nation, and to do acts, by the assistance of parliament, which the people disliked—which they would not have borne him out in—and, therefore, he kept together that set of men, who, he was sure, would give him support in carrying them into effect. This circumstance is noticed by bishop Burnet, in his History of the Reformation, who says, "The king had taken great pains to procure an obedient parliament—every means were used to assist him in effecting his favourite objects." Therefore it was, that he kept the parliament together—he was unwilling to part with them—and he did not, in fact, part with them, until he had carried those two favourite measures—the divorce from his queen, and the reformation, which may be denominated the plunder of the church; for religion, Sir, was then made use of, as it is in the present time, as a cloak for the concealment of other objects.

Edward 6th, being at the head of the reforming party, kept the parliament together for a long time—for a period of not less than five years. Then comes the reign of queen Mary, which was justly censured as a bloody reign. But no person can be surprised, that the Catholics, who were the bulk of the nation, smarting under the persecutions they had suffered, and irritated by the loss of their property—it is not surprising, though I do not mean to say it is justifiable, that they should retaliate, under the cloak of religion, on that party, who had injured them, and who did not, by any means, form a majority of the people. When Mary came into power, the first thing she did, in order to shew that she was not governing against the will of the people, was, to repeal all the statutes relating to constructive treason, which Henry 8th, had enacted. She placed the law of treason on the same footing as that on which it had been placed by the 25th of Edward 3d. And, extraordinary as it may appear, an Englishman, at this time of day, is not so safe, so far as life and liberty are concerned, as he was under the reign of her who was emphatically called bloody queen Mary. Knowing that she was governing according to the general wishes and feelings of the country, she had recourse to the constitutional practice of short parliaments, and during her reign, there was not a single parliament that lasted for anything like a year—the longest continued only nine months.

I now come to the reign of queen Elizabeth. In her time there were only two long parliaments. The wisdom of her government transcends all praise. Too wise to force, too honourable to impose upon the people a system of government inconsistent with the principles and practice of the constitution; without millions of money to corrupt, without laws to oppress, without a standing army to overpower; she gained the affections, and ensured the obedience of her people, by the wisdom and vigour of her administration. In her reign there were two long parliaments.

When the family of the Stuarts came to the throne, many unconstitutional principles were introduced. Parliaments were continued for a long time; but the people did not see any thing dangerous in the system, and the reason is extremely clear: they knew nothing of the evil effects produced by long parliaments, but they felt, in some degree, the want of parliaments. It was, therefore, no wonder that the system should be established (though it was an abuse) of keeping parliaments together for years, because no evil was then felt from it.—We now approach the interesting and eventful reign of Charles 1st, who was not content to govern according to the example of his great predecessor, queen Elizabeth, or according to those laws to which the people of England had been so firmly attached, through a long series of ages. He endeavoured to govern without a parliament, and having made Westminster-hall subservient to his views—having fortified all his illegal encroachments on the liberty of the subject, by the opinions of the greatest lawyers of that or of any other day—(lawyers whom he had at his command)—having made the law subversive of the freedom of the country, he was still unable to carry his designs into execution, because he had not a standing army to support and follow up his views. If he had had a standing army to support the doctrines of the lawyers of Westminster-hall—to support the doctrines of the law officers of the Crown—we, Sir, I imagine, should not now be considering this question of the constitutional duration of parliaments. To these measures there was, Sir, a constant resistance, and at length it became necessary, for his own purposes, to call a parliament. And as Charles had not at his disposal, those millions which the minister of the day can now command—as he had not the means of corrupting members of the House of Commons—it was immaterial to the people who were sent into parliament, or how the elections were conducted. No means of corrupting the electors, out of doors existed; and it was impossible that any body of individuals could be placed in parliament, who were not, with the people at large, indignant at the unconstitutional doctrines that had been broached, and who were not, above all things, firmly attached to the liberties of their country. We know, Sir, how that unfortunate struggle between the king and his parliament ended.—During the time of the civil wars that followed, the parliament having continued for a long time, and a few individuals having procured extraordinary influence—like other bodies, wishing to retain great power, when once they had got it—and beginning to consider their own interests, instead of the interests of the state, that parliament which had done so much for the people of England—which had acted with such consummate ability—which had braved so much distress and danger—at length became itself a grievance to the country. Having passed an act to render their duration perpetual, they were felt to be a most serious evil, a most intolerable grievance, to that country which they had served. It was, therefore, considered necessary that one great man should step forward and get rid of that grievance. Now, with respect to that great man, Oliver Cromwell, it was a little singular that he was himself a determined parliamentary reformer. Having assumed the highest power of the state, and removed the obnoxious parliament, he offered to this country a plan and frame of parliament, the best that could possibly be devised; one so fair and equitable, that even lord Clarendon was obliged to admit its excellence. He said, "it was a plan that should have come from a better quarter—from a more warrantable person—and in better times." But he evidently thought that it was a proposition which amply provided for the welfare and glory of the country. Cromwell, however, found it impossible to go on with this plan, because the new parliament did not like him. He then was left with this alternative—either to give up his place and situation, which was to resign himself to the gallows, or to support, by the sword, what he had gained by the sword. He adopted the latter.

The people having suffered much, having struggled much, as they have always been ready to do, for a free constitution, hailed with pleasure the return of Charles 2nd; they looked upon it as a new era, that was to produce freedom and prosperity. One would suppose that any man, who possessed a human heart, would feel rejoiced, when he was restored to his native country—when he was received, with delight, by millions of people, who hoped that he would be the instrument of placing the constitution on that foundation of freedom, which the sacrifices they had made, and were ready to make, entitled them to expect. Charles, however, had, unfortunately, no feeling—he possessed a base mind and a cold, unfeeling, disposition.

But though, during his reign, the people bore acts of tyranny, which they hardly had the patience to suffer, he, taking warning from the conduct for which his father lost his head, though he wished to govern in a manner equally arbitrary, determined to proceed in a different way. He therefore attempted, and effected, the corruption of the House of Commons. Having got a House of Commons to his mind—not that which invited him over—not composed of those men who said, at the time, that the generous folly of the nation should have been checked—and, amongst the rest, lord Clarendon, who observed, that, " the nation, in its unsuspecting generosity, had given those powers which, if withheld, would have kept this family on the throne, and prevented all those mischiefs that had befallen them"—he took advantage of that unsuspecting generosity, and a system of corruption was resorted to, in order to undermine the government of that people, who called him to preside over them, when he was a wanderer on the face of the earth. He wished to establish popery in this country, at a time when the Protestant religion had made such progress that the Catholics had become a minority of the people. He continued a parliament for sixteen years. That parliament, which was called the " Pensioner Parliament," would not go the length he desired. They would not make the prince independent of the parliament, nor would they let him govern by the agency of a standing army. He therefore dissolved them; and the end of his reign was marked by disputes with his people, similar to those which had distinguished that of his father. Though he did not live to be the victim of those disputes, their effect was visited severely on his family. James 2nd made several attacks on the constitution. One of them was the attempt to return members to parliament by corruption and undue election. Proceeding in a still more headlong course, he brought the people to a crisis they had been long approaching—and he was obliged to abdicate the throne, and fly the country.

I now come to that period of our history where I may be allowed to take my stand upon constitutional rights; when the privileges of the constitution, derived from that time, will not be considered as traced to too remote an era; when, in advocating them I shall not be reproached with inculcating new-fangled doctrines; or when, in urging a recurrence to those principles, I shall not be accused of an intention to subvert, the constitution. Let, us then, look to the Declaration of the prince of Orange, dated from the Hague. I find in it, amongst a great number of reasons for undertaking the government of this country, various acts of an accusatory nature, alleged against king James. The corruption of the legal administration of the country is particularly mentioned. It is there stated, that " the judges of Westminster-hall had become the instruments of arbitrary power (than which no greater crime could exist against the constitution of the country), namely, by causing juries to be unfairly and partially empanelled." But the main grievance which was put in the front of the declaration, was the corruption of the House of Commons. I mean not the corruption, by the Crown, of the House of Commons, but the packing of parliaments; the king using means to pack a parliament, by corrupting the electors, and also by corrupting members when returned to this House, without the exertion of such influence. The prince of Orange declared, that he would have a full and free parliament. He saw the grievances of the previous reign, and he bound himself to remedy them. " But," as he says, " those grievances can only be redressed by a free and lawful parliament." When a petition was presented to James, by those who were his best friends—who did not desert him in his need—who pointed out to him the mischievous effects of his corrupt policy—who, wishing not to drive him from the throne, but to keep him on it, petitioned for a redress of grievances, and above all, demanded that a parliament, free in all its circumstances, should be called without delay; he, at once, promised all these things: " But," said he, " how can I call a parliament, free in all its circumstanses, unless the prince of Orange withdraws from this country; he can influence a hundred electors for every one who will act impartially?"

From all this it appears, Sir, that the corrupting of parliaments was considered a high offence in the highest quarter; an offence for which two kings have lost their thrones. I say two kings; for in the articles of accusation against Richard 2d, one of them was for packing a parliament, and another, that he had kept the parliament together an unusual length of time. Now, what was that unusual period alluded to?

Only five months; which at that time was considered a duration greater than the forms of the constitution allowed. I am aware that the king has always a right to prorogue parliament if he sees occasion. But then it must be for some sufficient cause: for example, when the plague raged in London, the sitting of parliament was merely prorogued without dissolving it. The power is to be used in a moderate manner, and not to be abused, as it has been, by proroguing to any extent which the sovereign may think fit. Richard 2d, then, was deposed, and James 2d was expelled, for tampering with elections. By the Bill of Rights it is expressly declared, that elections shall be perfectly free; but, if this were not mentioned in direct words, the very idea of an election must declare that such freedom was contemplated. If this is the case,—if the facts I have stated cannot be overturned,—what shall we say of individuals, who exercise a power of doing that which the Crown was never allowed to do with impunity in the best periods of our history?

I now come, Sir, to that part of the subject which has more immediate reference to the question at present before us. And here I could have wished to have had the petition read at your table, which was presented to this House by Mr. Grey, in the year 1793,—a petition admirably drawn up by a committee of gentlemen, who had associated themselves together for the purpose of promoting a reform in the representation. This petition is so complete in its details,—so unanswerable in its arguments,—so convincing in its proofs, that I earnestly wish it was impressed on the mind of every one who now hears me. It so completely dissects the House of Commons, that it is really wonderful to me how the House has continued to sit as a branch of the legislature, after the introduction of that petition, without instituting some inquiry into the truth of its allegations. What are those allegations? This petition * has been, of late, so frequently printed, that there are few gentlemen who are ignorant of its contents. After stating a vast number of circumstances with respect to the mode of electing members in various places, and pointing out all the grievances that arise from this imperfect system of representation, they came to this conclusion, "that 84 individuals do, by their own immediate authority, send 157 of your honourable members to parliament, and this your petitioners are ready, if the fact be disputed, to prove, and to name the members and their patrons." Here, Sir, are 84 individuals, who, it is asserted, send 157 members to parliament. Is this, I ask, an abuse, or is it not? [Hear, hear!] Is this a system of representation that ought to be tolerated? Is it consistent with the spirit and provisions of the constitution, that the nominees of these 84 gentlemen should be considered the fair representatives of the Commons of England? This number, Sir, let it be observed, is full two-thirds of the House which I am now addressing. But does the grievance end here? No, Sir; the petition goes on to allege, that "in addition to the 157 honourable members above-mentioned, 150 more, making in the whole 307, are returned to your honourable House, not by the collective voice of those whom they appear to represent, but by the recommendation of 70 powerful individuals, added to the 84 before-mentioned, and making the total number of patrons altogether only 154, who return a *decided majority* of your honourable House." Thus, Sir, one hundred and fifty-four borough proprietors claim the right of disposing of the property, lives, and liberties of millions of the inhabitants of this country [Hear, hear!]. I ask, is this a state that can be endured, when it comes, as it now does, to be generally known? I would say, if there must be undue power, let it rather be placed in the hands of the Crown than within the reach of those individuals who awe the executive government, while they deprive the people of their rights, and unite in themselves all those powers which every constitution, that has in view the good of the community, has constantly attempted to fetter. When such a system exists, how idle is it for us to read in the able writers on the constitution of England, the praises of that constitution! Mr. Justice Blackstone,—who, in his day, was thought to be rather a court lawyer, but whose book (so retrograde have been the minds of English gentlemen on this subject) is now branded by the opprobrious epithet of Jacobinical—says, that when there is a free constitution of King, Lords, and Commons, that freedom consists in those component parts being independent of each other—and, above all, that the controlling power of the Commons House of Parliament should be kept so completely separate, as not to admit a chance of its being acted on by the other two parts.—For if its independence should hereafter be encroached upon by the king, or the House of Lords—should either be able to influence it—there must be an end of the British constitution. And farther, he says, that "if any alteration might be wished or suggested in the present frame of parliaments, it should be in favour of a more complete representation of the people." He farther says, that "every man is, in judgment of law, party to making an act of parliament, being present thereat, by his representatives;" and that "the lawfulness of punishing criminals is founded upon this principle, that the law by which they suffer was made by their own consent."

---

* For a copy of this Petition, see New Parliamentary History, Vol. 30, p. 788.

I hope I shall not be told, Sir, that this House represents the people in this fair sense. It is the representative of a small aristocracy, or rather of 154 borough proprietors. They are the King, Lords, and Commoners—they have the purse-strings of the nation at their command—they may alter the constitution as they please. Upon the abstract question of the theory of governments, the human mind has been, from the most early periods, divided. Writers of high eminence have given the grounds of their respective preferences; some have selected simple monarchy, some have preferred an aristocracy, while a democracy has had strong recommendations in the opinion of others. But what writer has ever thought of proposing an oligarchy, as a government ever to be endured? In an aristocracy, where men of the greatest property in the country, and of course of cultivated and enlarged understanding, must be presumed to govern, it may very naturally be inferred that the public interest will predominate; for on what grounds can it be argued, that a separate object should prevail? The same may also be said of the Crown; for though some monarchs may be so senseless as not to discern their true interests, yet a politic prince will soon see that his ease and security are best identified with the happiness of his subjects, and a noble-minded sovereign will naturally direct his views to obtain the approbation of a grateful people—to a generous mind the most gratifying incense. We are all well acquainted with the stupendous effects of democracies—the reading of our early life has left indelible impressions of those unequalled energies displayed by the small states, where the government was purely popular. In exciting the energies, whether of genius, of government, or of industry, that branch bore the palm over the rest. At all events, under all the respective systems, nations have been happy—all are comparatively good, when contrasted with that of an oligarchy—and of all possible descriptions of oligarchy, that under which this country suffers is the worst. For what more hateful and oppressive system can there be, than to have the rights of a free people at the control and mercy of an oligarchy of boroughmongers many of whom have no property at stake, unless what they assume to be property—a property in the representation of the people, and by which they usurp the power of plundering the property of every man in the country. And how unaccountable is it that this system of flagrant and undeniable abuse should exist in violation of the spirit of the constitution—in positive defiance of the law of the land—in disregard of your own declared resolutions, which are solemnly read at the beginning of every session, or at least of every new parliament. It is, Sir, a recorded resolution of this House, that no peer shall interfere with the election of a representative of the people. Yet at the very time that we are going through the farce of making this declaration, it is undeniable, that eighty four individuals do by their immediate authority nominate one hundred and fifty-seven members of this House.

But it is not, Sir, the resolutions of this House that alone forbid such interference; positive enactments, to the number of one hundred and fifty, have pronounced its illegality. The statute of Westminster the first, prohibits any interference of great persons with elections, and expressly enacts, that they shall be free. It is written in old French, and says, that no great man shall disturb the electors when in the exercise of their duties; that, "because elections ought to be free, the king commandeth upon great forfeiture, that no man, by force of arms, nor by malice menacing, shall disturb any to make free election." This law is the foundation of the resolution passed at the beginning of every session, "That it is a high infringement of the liberties and privileges of the Commons of Great Britain, for any lord of parliament, or any lord lieutenant of any county, to concern themselves in the elections of members to serve for the

Commons in Parliament." What, Sir, has now become of this law and this resolution? They have been allowed to sleep—they are never acted upon, or rather they are perpetually broken, and have become a dead letter. At the period of the Revolution, much was promised to be done for the liberties of the people—and much might have been done, Sir, if instead of the long declaration of rights, a single line had been passed, providing for the calling parliaments together at certain stated times, and also devising means to carry that provision into absolute effect. This would have done more service than the long bill of rights. A resolution was agreed to, at the time of the Revolution, to restrain the power so scandalously abused before that event took place—I mean the *ex-officio* informations of attorneys-general. The convention parliament, like that at the restoration, was too much imbued with the principles of the Revolution—to be in favour with the court. It was not suffered to remain long together, and could not, in consequence, do away with *ex-officio* informations, and effect other objects, which were very desirable. It may be proper to mark how we have got on since. At the Revolution *ex-officio* informations were declared, by a resolution, to be illegal, and never, till very lately, were they supported by law, and established by act of parliament. We ought to have protected the subject against this oppressive measure—but we have given, in fact, a new power to the attorney-general—the power of sending any man to prison, or of holding him to bail, at his mere will and pleasure.

When such a state of things is suffered to exist, what becomes, Sir, of all the fine panegyrics on the English law? What become of my lord Coke's praises of the constitution, in his luminous exposition of the principles of Magna Charta? What signifies telling us, that no Englishman can be put in prison, without indictment found? What signifies telling us, that two juries must examine his case, before trial—one, composed of unbiassed men, who are to examine whether there is any ground for putting him in jeopardy at all—and a second equally disinterested, to decide finally on his case? Yet the ablest lawyers, the most venerable authorities, have declared those securities and muniments of the people, to be the leading features of the British constitution. In our degenerate time to talk of the protection and the blessings of that constitution, is all a mere rhapsody. We may, indeed, read of it, but with as much reference to reality as if we were perusing a novel. It appears like a sort of fairy enchantment—something very delightful to behold, but when we approach to touch it, it is so fragile, that out of regard for it, no doubt, the boroughmongers, in the least pressure of public difficulty, have been in the constant practice to suspend its most wholesome provisions [Hear, hear!]. There is no truth, Sir, more generally admitted by political writers than this, that when the forms of a free government are arrayed against its spirit, and the very institutions of a free state are by underhand means perverted from their purposes, the danger is greatest and most difficult to be resisted. This, Sir, is not a new doctrine—it is not the romantic speculation of a beardless boy, with his imagination warm with the impressions of his early studies—it is the profound inference of the celebrated Montesquieu, who after twenty years devotion to the science and practice of government, declared that, "as Rome, Sparta, and Carthage, have lost their liberty and perished, so the constitution of England will in time lose its liberty, will perish: it will perish, whenever the legislative power shall become more corrupt than the executive."

But, Sir, in the present day, a doctrine of a contrary nature has been introduced—in the present day acknowledged corruption has its open defenders. A right hon. gentleman opposite will deny all that I have stated. He tells us, that we cannot go on with the business of the government, unless there is corruption in the House of Commons. All I say in reply is, that the writers on this subject, both of our own and of foreign countries, are of a different opinion. Our own laws are decisive on this point. We have above one hundred and fifty laws on our statute book, to prevent that which the right hon. gentleman says is necessary to carry on the government of the country. Mr. Locke, that able and argumentative writer, who exerted his great powers in defence of the British constitution, tells us, so far from this being the case, that "the executive magistrate acts contrary to his trust, if he employs the force, treasure, and offices of the society to corrupt the representatives, or openly to pre-engage the electors, and prescribes what manner of persons shall be chosen: for thus to regulate candidates and electors, and new model the ways of election, is to cut up the government by the roots, and poison the very fountain of public security." And Machiavel observes, that "it is curious, that a principle should be argued as good and useful in government, which is universally rejected as bad in every case of private life."

But, Sir, this House of Commons has, at different times, agreed to purge itself. Even in the reign of Charles 2d. the Commons came to a resolution, that the members of the then existing parliament should take an oath that they had not received any thing from the Crown themselves, nor any person for them, during a certain period. Now, though they accused themselves of being corrupt, by this resolution, yet they also proved a desire to reform that corruption. It appears to me, Sir, to argue back a little, that corruption in the House of Commons is an evil of the first magnitude; and when carried to this extent, that individuals have the power of nominating a set of persons to sit in parliament—such a fact is quite sufficient to prove the necessity of inquiry and reform. When we speak of corruption, I think a very indistinct and confused notion prevails on the subject. Corruption is named differently, according to the matter to which it applies. If it refers to matters of a religious nature, it is called simony. When any thing is done contrary to those habits which are established in society, and are called morals, it is denominated immorality. But, an aberration from a just line of policy, in a public man, is termed corruption. An individual may be as honest a man in private life, as any that breathes; but if he pursue an interest distinct from the great bulk of the community, he must be considered, politically, a corrupt man. It is said, in answer to this charge of political corruption against a body—and it is a sort of lady's argument—"let every man reform himself—let the people at large reform themselves." Sir, I heard, some years ago, the late Mr. Windham—who, though he combated the arguments in favour of reform, was always listened to with pleasure, and was by far the most ingenious of those who supported the present system—deliver his sentiments on this subject. But it appeared to me that he did not understand the practice he was defending—and which, I think, he abhorred in his heart. He threw all the blame of these corrupt transactions on the people, who, he observed, required reform, and not the government. Now, this arose from a false idea of corruption. The people, in fact, cannot be corrupt, because they can have but a common interest in the state—but those who have a distinct interest, opposed to this common interest, are corrupt. If a House of Commons have no interest beyond that of the people at large, they are not a corrupt body: but, if they have an interest different from that of the great bulk of the people, though they are all saints in private, yet they are a corrupt public body—and that only can be considered a good government, where the private interests of the rulers are so constituted, that they go hand in hand with those of a public nature. When there is a distinction between public and private interest, the individual who submits to it, cannot act as an honest man; that is, he cannot perform his public duty fairly—and the more honest he is to those who send him to this House—the more minutely he obeys their wishes—the more pernicious he is to that public, whose rights and privileges he ought to protect [Hear, hear!]. I know that patrons never fall out with those whom they send here. If a patron give a hint to any gentleman whom he has introduced to parliament, that he is not following the line of politics he wishes—though he has no legal means of obliging him to give up his seat, yet the hint is always obeyed. No gentleman would venture to remain in this House, after being told that his conduct was disapproved of by his patron. Were an individual to act otherwise, he would not be received in society. And yet, Sir, it is very often said, that members of parliament ought not to obey their constituents. These, Sir, are questions that would never arise, that would never be asked—the people would not, in fact, wish to give their representatives instructions—if this House was fairly elected by the Commons of England. It would not then be necessary to call those meetings, against which you are now passing laws. The votes of this House would be, in that case, conclusive evidence of the real sentiments of the people, It would never be thought that we came to votes contrary to the interests of the people. This borough-mongering system—this state of representation, or rather of no representation, would no longer exist—this system of nomineeship for places that produce nothing valuable, nothing essential—which, in fact, give the country nothing but members of parliament (and the treasury-bench is already filled with such commodities), would be destroyed for ever. Our ancestors would have startled, if they had been told, that three hundred and four members, were nominated to the Commons House of Parliament, by 154 individuals. The minister of the day, the noble lord opposite, was detected in this practice of bartering seats in parliament for places; and that transaction was defended in the House, on the ground of its being so very common. I should have thought it hard if the noble lord had been impeached for doing that which, it seems, every minister does; but the detection of that transaction is a strong argument for those who petition to remove so notorious a grievance. I do not want to denounce this or that person; but I wish to put an end to a system, which, in my conscience, I believe is bringing this country to ruin. I know not whether this is a situation under which the country can prosper—but I am sure it is one under which public liberty can never substantially exist.

There was, indeed, a time, Sir, when the recital of such corruptions as are now acknowledged, would not be borne in this House. In alluding to them, even in my day, gentlemen have been obliged to adapt to the subject a circumlocutory mode of expression. There was, as Mr. Pitt once said, on this same subject, a sort of maiden coyness, which was now wholly worn off. The evil stands before the country in all its naked and hateful deformity. Hundreds of thousands of people have petitioned the House that this grievance may be removed; but they have pointed out different modes to effect that object. I, Sir, do not think it is the business of an individual to devise the remedy that ought to be resorted to—but to point out, in the most palpable manner, the abuse which exists, and leave it to the wisdom of the House to consider of the remedy that shall be applied. I shall not therefore, on this occasion, go into any discussion of abstract questions, which others may think fallacious—nor will I combat opinions, that appear to me to be erroneous. It is sufficient for me to point out where the evil lies—the state of nomineeship to seats in the House of Commons—and, unless the existence of such an abuse can be denied—I hope—backed as I am by the voice of the people—to induce the House to institute an inquiry on the subject. The gentlemen of this country, feeling as they do their property going fast from them, and who in total disregard of the once prized liberties of their country, think now that the government cannot be made too strong, would act far more wisely, if in place of fettering the people, they would put an end to the insatiable corruption that, springing from a combination of boroughmongers, holds at its will and for its support the resources of this once prosperous country. For with all our industry, with all the great sources of wealth arising from our labour, our skill, our extensive capital, our active commerce—we have before our eyes a most wretched, suffering, impoverished, oppressed, and starving people. We have, it is true, a constitution in theory, but in practice I do not believe there exists in any country so much misery, so much distress, and I will add, so much interference of power with the people, as in this kingdom. It is, then, earnestly to be wished that the gentlemen of England would at length resume their natural position—that they would take counsel from their wisdom, and not from their fears—that they would feel their dearest interest to consist in redressing the unparalleled sufferings of the nation. When these shall be their dispositions and their pursuits, then will the theory and practice of the constitution coincide. Surely, Sir, they must awake to a sense of their duty when they see themselves driven from the seats of their ancestors—those seats in which they were wont to dispense the blessings of hospitality to a contented and industrious neighbourhood, but which are now deserted from the necessities of their proprietors, obliged either to live in obscure retirement, or perhaps forced to emigrate to foreign countries, to evade the demands of their creditors—

Must we, then, wretched exiles, ever mourn,
Nor e'en with length of rolling years return?
Are we condemned by fate's unjust decree,
No more our homes and smiling fields to see?
Or shall we mount again the rural Throne,
And rule the country, kingdoms once our own?

Shall we go on without putting a check to a system so mischievous in its tendency, and so fatal in its effects—a system that originates with the oligarchy of boroughmongers, not indeed for the support of the Crown against the representative body, but to shackle and withdraw from the Crown the fair power to which it is entitled, and to overturn the representation of the people? This is the evil under which the country has so long groaned. If the just and constitutional demands of the people are to be resisted, and if they are to be only met by an infringement upon their constitutional rights, and an unjust application of taxation—then, indeed, the prospect is not only painful, but dreadful to contemplate. It used to be the practice to say, when similar applications to the present were made to parliament—"Oh! the people have no feeling on the subject, or else they would have petitioned;" and now, when they come forward in immense numbers, the answer is, "Oh! they demand too much." The reply is followed up by the liberty of the subject being taken away—by the passing of acts depriving them of the right of petition—by preventing their meetings in the exercise of that right—and by other acts equally oppressive in their nature. This House, Sir, ought to be the guardian of the people against the attacks of the executive, instead of the supporter of the latter against the complaints of the former. If the people are now irritated and discontented, are they likely to be more loyal and obedient, when, so far from being received with indulgence, and their grievances redressed, they find parliament in hostile array against them?

As to the necessity for reform, it would be needless for me to cite all the great authorities in its favour, and the predictions of fatal consequences so often made when the Commons House was not fairly chosen by the people. It is an old and a true maxim, "that England can never be undone but by her parliament." Such, Sir, was the opinion of lord Chatham; Mr. Pitt, Mr. Fox, and Mr. Grey, have maintained similar opinions, and were all of them (at one time of their lives at least) strongly in favour of reform. These distinguished persons have used the strongest arguments in its support, and even Mr. Burke, (for whose writings I shall always entertain the greatest respect, although he took the alarm at the beginning of the French revolution), has deeply felt, and eloquently described, the necessity of rendering the House of Commons a true representation of the people, as well as the evils which spring from it, when it is not. What the opinions of that great writer would have been, had he lived to this day, it is impossible for me to divine; but these were his words in the active part of his political life:—

"Whatever alterations time and the necessary accommodation of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear some stamp of the actual disposition of the people at large.—It would (among public misfortunes) be an evil more natural and tolerable, that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should, in all cases, be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons. For it is not the derivation of the power of that House from the people, which makes it, in a distinct sense, their representative. The king is the representative of the people; so are the Lords; so are the judges. For they are all trustees for the people, as well as the Commons; because no power is given for the sole sake of the holder; and although government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people.

"A popular origin cannot, therefore, be the characteristical distinction of a popular representative, which belongs equally to all parts of government, and in all forms. The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a controul *upon* the people, as of late it has been taught, by a doctrine of the most pernicious tendency. It was designed as a control *for* the people. Other institutions have been formed for the purpose of checking popular excesses; and they are, I apprehend, fully adequate to their object. If not, they ought to be made so. The House of Commons, as it was never intended for the support of peace and subordination, is miserably appointed for that service; having no stronger weapon than its mace, and no better officer than its serjeant at arms, which it can command of its own proper authority. A vigilant and jealous eye over executory and judicial magistracy; an anxious care of public money; an openness, approaching towards facility, to public complaint; these seem to be the true characteristics of a House of Commons. But an addressing House of Commons, and a petitioning nation; a House of Commons full of confidence, when the nation is plunged in despair; in the utmost harmony with ministers, whom the people regard with the utmost abhorrence; who vote thanks when the public opinion calls upon them for impeachments; who are eager to grant, when the general voice demands reckoning and account; who, in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them;—this is an unnatural, a monstrous state of things in this constitution."

I leave it to the House to say, whether the present system that we uphold is not that unnatural monster which Mr. Burke has here described? I wish all who declare the contrary would bear in mind the striking, damning fact, that 157 borough proprietors return a majority of members to this House—that the property and liberties of the whole country are at their disposal—that instead of a government of King, Lords, and Commons, such as the constitution recognizes and requires, we have in practice a mal-administration of that constitution which excludes them all—which excludes the king from the fair exercise of his legal prerogative, and binds him in the hands of this party. The government is at their feet, and they dispose of it as they please. Like the Roman empire in its decline, the state is set up to auction, and disposed of to the highest bidder. This was treason in any state, and yet it is the practice in ours. The leading principles on which I rest my case, are those so often recognised by Mr. Burke, and acted upon by that great man in the better days of his political life. I call Mr. Burke a great man, because it is an epithet due to his extraordinary abilities, and to those principles which he so strenuously supported during the greater portion of his life, whatever may have been his subsequent departure from them. Mr. Burke has declared it to be better that the House should partake of every epidemical phrenzy of the people, than that it should show a perpetual jealousy of their rights. It is not, however, a jealousy of which I now complain; it is an open hostility to popular rights, a want of all common feeling with the country at large, and a cheaply-won character of magnanimity, in affecting to despise what is called the clamour of the people. This appears to me, I confess, to be hardly decent; but as I do not think it right to take upon myself to point out what particular course it may be most advisable to pursue, I can only entertain a hope, that the House will consent to an inquiry into the facts and allegations contained in the petition, and more particularly into the facts and allegations contained in the petition presented in the year 1793. I especially trust, that the committee, if appointed, will direct its attention to the alleged nomination of members by peers; a nomination which cannot be practised but in defiance of all law, decency, and reason.

It is upon these views of the difference between the constitution as it now exists, and as it was settled at the period of the Revolution, that I invite the House to listen to my proposition for going into a committee. Our present practice has varied from the standard then established in many important points. It had been judged necessary at that period to enact, that every privy-councillor should subscribe his name to a copy of the advice which he gave his sovereign. Another regulation had for its object the exclusion of persons holding offices under the Crown from seats in parliament. Every thing, however, which has been interposed as a security against the encroachments of power, has been either taken away, or suffered to become a dead letter. Nothing can furnish a more decisive proof that the House of Commons has lost its former connexion with the people; that they no longer regard themselves as their stewards or servants, but as a master uniting in himself all the different springs and species of authority. Whatever may be thought of the wisdom or expediency of annual parliaments at present, it is assuredly not true that they were unknown to the history of the constitution: in the discussions on the triennial act, the contrary was maintained by the most eminent public characters of that day. With regard to the septennial act, indeed, I wish to say no more than to allude to the opinion expressed of it by Dr. Johnson, who, I suppose, were he now living, would be considered a Jacobin. The doctor, when reprobating as unconstitutional the measure by which twelve persons were raised, during the reign of queen Anne, at one time to the peerage, speaks of it as nothing equal or approaching to the contempt of all human right, and of all human means of asserting it, which was exemplified in passing the septennial act. The justification of that measure arose out of the apprehension that a popish faction were seeking to restore the expelled family. Wherever long parliaments were prevalent, it is evident that the administration were afraid to meet the people to settle short accounts. But why should we entertain this apprehension now, when there is no colour for any popish plot or jacobin faction? Is the House to do nothing now for the people, because the demands contained in some of the petitions are unreasonable, and accompanied with angry declamation? What danger is to be apprehended from doing justice to an injured party. "What!" said Mr. Burke, "when the people of America look up to you with the eyes of filial love and affection, will you turn to them the shameful parts of the constitution?" Let those who fear the danger of yielding to just demands, look at the more real danger they encounter by pursuing a policy so fatal to the best interests of the state. Believing, as I do, that there is no danger to be apprehended except by the government continuing to do wrong, and still more to alienate instead of regaining the affections of the people, by restoring to them their undoubted rights, I shall conclude by moving "That a select committee be appointed to take into consideration the State of the Representatives of the people in parliament, and to report their opinions thereupon to the House."

Mr. *Brand*, in rising to second the motion of his hon. friend, felt that there were circumstances connected with the question at the present time which called on him for something more than a mere repetition of the sentiments which he had formerly delivered on the question. He allowed that the debate of that evening was more likely to serve as an indication of opinions already formed, than as a means of converting many from their former sentiments. It was the present situation of the country that could alone induce him to go farther than to express his general concurrence in all the principles laid down in the able, luminous, and temperate address of his hon. friend. This could alone afford him either a reason or a justification for repeating opinions which he had often before stated to the House, and endeavoured to press on their conviction. But when he considered the circumstances in which they were placed, the extreme distress and suffering that prevailed among the people, and the unprecedented energy with which they had petitioned for reform, he thought he saw a material change, which required that he should somewhat dilate on the opinions which he had formerly expressed.

He had long since communicated to the House his belief, that the relation between the House and the people ought to be enlarged by means of timely, moderate, and conciliatory reform; or that the consequence must inevitably be that the House would be driven to measures of military coercion in the defence and maintenance of its authority. Deeply as he regretted the immediate cause of it, he might appeal to those who heard him, whether his prediction had not already been fulfilled. With reference to the tone and language of the petitions much had from time to time been said, which did not equally apply to all of them. He would not deny,—nay, on the contrary, he would be the first to admit,—that many petitions had been presented of which the language was violent and unbecoming; but there were others, the tone and composition of which were perfectly unobjectionable, and it was not just that these should be confounded with those to which he had just alluded. If a few violent spirits had proceeded to unjustifiable lengths, it was not fair that for their misconduct, a stigma should be cast on the whole people of England. Some consideration was due to the feelings of the country at a period like the present.

He regretted that his hon. friend had not brought forward this question earlier in the session, because it was one of such a nature that almost every motion which had lately come under their consideration, was in some measure interwoven, or connected with the call for a parliamentary reform. It was not new for him to say that that House did not represent the people in a constitutional sense. What had been long the impression on his mind on this subject, seemed from the number of petitions on their table, to have become the general persuasion of the people. There had been at no former period so great and so decided an expression on the part of the public in favour of a parliamentary reform. In the course of the present year, the people had been excited —[Hear, hear!]—excited by their distressed situation to give the subject more than a common share of their attention. He certainly did not mean to contend that a reform in the representation of the people would immediately remove existing grievances; but he thought it would afford the best security against a recurrence to measures like those which had been the causes of them. In separating the several classes of petitions which had been presented, the House would find one distinguished by the moderation and ability with which it had been drawn up, that had been received from the county of Cornwall. It was signed by persons of great respectability, and there were other petitions to which he might refer which deserved a similar commendation, and had evidently been prepared by persons well read in the history of the British constitution.

The hon. baronet had very properly said, that having stated the heavy grievance of which the people complained, it was not for him to step between them and the legislature to suggest the remedy. In thus acting, he had taken the proper course. He had stated a case of great and notorious evil;—had stated it in temperate language, which overstepped not, but which rather fell short of the truth, and had, in his opinion, made out such a case as imperiously called for inquiry on the part of the House. A practice of nominating persons to seats in that House by peers and others, had clearly been shown to exist, and this he would maintain was as repugnant to every principle of liberty, as it was contrary to the ancient letter of the constitution. Were there nothing else to complain of, this alone would call for inquiry, and demand redress. He knew that this system was defended on the pretence that the people, if not actually, were virtually represented, and that this practice of nomination, in its operation, had the effect of sending, almost in every instance the same men to parliament, who would be returned in any other case. Admitting this to be true, he would still contend that if the same individuals were returned under a better system, they would come there under a very different influence. They would then be under the influence, not of individual patrons, but of the great body of their electors, whose wrongs they would be anxious to see redressed, and whose liberties they would be resolute to support. It was impossible to suppose that a member would be equally ready to inquire into their grievances, to sympathise with their distress, or to defend their rights when they were assailed, who was at the nod of a borough proprietor and subject to the control of a patron. Supposing the House to be divided into two classes,—the borough interest forming the one, and the county members or representatives of real property the other, it would be found that the former was with the government in the proportion of five to one, while the latter was but in that of four to three.

This might serve to shew the practical inutility of that preponderance which would be given to personal property by a scheme of reform like that which went to embrace universal suffrage. On this subject he would touch but slightly now, as he did not consider it to be immediately connected with the question at present before the House. Much violence had marked the discussions which had taken place on the character of the remedy proper to be applied to the evil which had become so generally the subject of complaint. The extension of the elective franchise had been most loudly called for. This, in the time of Henry 6th, belonged to the freeholders and to the king's suitors. For the rest of the community they were in a state of villanage, with the exception of those who held by burgage tenure. There was no such thing as universal suffrage. Freeholds were represented and some little personal property, but the elective franchise certainly went no farther in any case, than to give a vote to those who paid scot and lot. In those places where this right was at present enjoyed, he thought the elective franchise was sufficiently extended. This, however, he threw out merely as a hint. The proper time for entering into this part of the subject would not arrive till the House had consented to go into the committee.

To return to the defence set up, that the present system was one of virtual representation—he would ask, could that be called representation at all which might possibly fall into the hands of a foreigner? When in the hands of a few individuals, instead of the body of the community, by whatever name it was called, it was not what representation ought to be. Sir William Jones had justly remarked, that "as well might a Roman tyrant have urged, that all his vassals were represented in his person; he was auger and high priest; the religious state was, therefore, represented by him: he was tribune of the people; the popular part of the nation were, therefore, represented: he was consul, dictator, master of the horse, every thing he pleased; the civil and military states were, therefore, concentrated in him, the next deduction would have been, that the slaves of his empire were free men. There is no end of absurdities deducible from so idle a play of words."* This, he thought, was a sufficient reply to the flimsy pretext of virtual representation, as an argument against just and incontrovertible claims. When it was urged, during the debates on the American war, that America was as well represented as Manchester and Birmingham, Mr. Burke had asked, "When the people of America look up to you with the eyes of filial love and affection, will you turn to them the shameful parts of the constitution."—He could anticipate nothing but danger from that loss of confidence and esteem on the part of the people which must follow the refusal of their just petitions. That alarm which he believed to be at present groundless would at length become well-founded, and the danger imminent. If it must be allowed that the House did not represent the great body of the people—if the people considered the House as only the agent for forcing upon the people the acts of his majesty's ministers—it must be evident that this was a state of things which could not last long. There was a limit beyond which patience could not extend. The House had heard the complaints of the people, and was therefore bound to inquire into the cause of them, unless some good reason could be shown why a deaf ear should be turned to complaints so loudly and so generally expressed. For his own part he could not conceive any such reason.

He was aware that there were some persons who expressed great alarm at any innovation or reform, and who referred to the French revolution and to the fate of France, as a warning to those who would reform the constitution of this country. But the analogy between the state of this country now, and that of France before the revolution, he did not think could be brought forward with any success. That revolution itself, sprung out of the obstinate resistance offered to reform. If it were the object of those who now opposed it in this country, to pave the way for the establishment of a military government, no better means for effecting their design could be devised, than those of which they at present sought to avail themselves. He wished the House to bear in mind what had produced the revolution in this country. It should be remembered, that one powerful cause of the last revolution was related by bishop Burnet to have been the acts and practices resorted to, in order to enable the king to get a parliament to his mind. The bishop says, that "all arts were used to manage elections so that the king should have a parliament to his mind. Complaints came from all parts of England of the injustice and violence used in elections, beyond what had ever been practised in former times. All this was so universal over the nation, that no corner of it was neglected. In the new charters that had been granted, the election of the members was taken out of the inhabitants, and restrained to the corporation men, all those being left out who were not acceptable at court. In some boroughs they could not find a number of men to be depended on: so the neighbouring gentlemen were made the corporation men; and in some of these persons of other counties, not so much as known in the borough, were named. This was practised in the most avowed manner in Cornwall by the earl of Bath, who, to secure himself the groom of the stole's place, which he held all king Charles's time, put the officers of the guards name in almost all the charters in that county, which sending up forty-four members, they were for the most part so chosen that the king was sure of their votes on all occasions." Then, as now, the complaints of the people were heard from all parts of the kingdom. At present the petitions which had been presented were so numerous, that it would at least become the House to consent to inquire whether or not the complaints forwarded to them were well founded. Mr. Burke on this subject had said, that "early reforms are amicable arrangements with a friendly power; late reforms are conditions made with a conquering enemy." There was much truth and wisdom in this observation. It became the government of such a country as this, to seek to live in the affections of its people, rather than in their fears. They should listen to their wrongs, and redress them in some other manner than by suspending their rights. This would be the real mode of averting the mischief which threatened the country, and for which the alarmists had so much apprehension. If it was wished that the country should be really tranquil, reform was the only means of providing for that tranquillity: every other resource would be found vain; and whilst he entreated the House not to answer the filial applications of the people by suspending their best and hereditary rights, it was his sincere persuasion that they would feel the inadequacy of such measures, adopted against the sense of those who were most disinterested in their advice, and repent of them when it should be too late.

---

* See his "Speech to the assembled inhabitants of the counties of Middlesex and Surry, the cities of London and Westminster, and the borough of Southwark."

Sir *John Nicholl*, after a few introductory observations, proceeded in substance as follows:—The motion made to the House is generally for a Committee on the State of the Representation, the hon. mover and seconder having carefully abstained from stating any particular plan of parliamentary reform intended to be proposed. It may however be collected from their speeches as well as from the petitions on the table, that a material alteration in the present representation is the object in view; and he (sir J. N.) having a decided objection to any change until a sufficient case should be made out, was prepared to meet the motion with a direct negative.

Those who propose any change in the constitution are bound to establish its expediency and necessity. They must show that the present state of things is productive of certain evils which will be removed by the alteration projected. To examine, therefore, the subject,—manifestly a subject of the very highest importance to the country,—so as to arrive at any just conclusions, it is proper to consider first, the blessings we enjoy under the constitution in its present state; next, the grievances alleged, and their magnitude as compared with the blessings; and lastly, whether those grievances arise from the present state of the representation, and will be remedied, without incurring the risk of greater evils, by the alterations proposed.

That the constitution as it at present exists is productive of great blessings, need not be argued, because few, very few indeed, will be found to deny the fact. It produces more freedom, more security, more prosperity, more glory, more happiness, to those who have the fortunate lot to live under it than any government that ever existed in any other country. Wisdom and prudence, then, obviously dictate, that before you put these inestimable blessings to the risk by any change, you should be satisfied that grievances exist of such magnitude as to counterbalance the danger of the experiment. You will at least pause, and examine well the necessity of the measure.

You will pause the more when you reflect upon the frame and character of the constitution. It is not a simple machine, but one of delicate movements, complicated and difficult to be understood; in which one spring works upon or checks another almost imperceptibly; a machine, therefore, with which it is dangerous to meddle, since the alteration or removal of the slightest part may derange the whole, and either by impeding stop it, or by accelerating its velocity, urge it to destruction. We know that at present it *works well*, producing the blessings already enumerated.

The character of the constitution is differently viewed by different persons. Some who are disposed to admit that its theory is beautiful, assert that it is corrupt in its practice; but others more correctly allow that its theory is in some respects apparently defective and faulty, yet maintain that its practical effects are most admirable. While the practical effects are good, we should not be over nice in searching after defects in its theory. Equally faulty in appearance is the theory of several of its parts;—what, for instance, can appear more strange than the structure of the trial by jury, where twelve men upon oath are required to be unanimous in their opinion, and are to be starved into that unanimity before they can give a verdict? Yet what works better than the trial by jury? Nay, this apparent absurdity of requiring unanimity, when more deeply considered, is perhaps one of its most valuable qualities. So with this House—It seems faulty in theory that Rutlandshire should send the same number of members as Yorkshire; and the borough of Old Sarum as many as the city of Westminster. Yet this inequality and apparent incongruity may tend to render it an assembly better qualified to perform the functions assigned to it.

This being the very point of dispute, it may be necessary to discuss it more at length.

If equal and uniform representation be the natural, indefeasible, unalienable right of the people;—if no government be lawful, without such a representation;—if no laws can be legitimately made to which the people have not consented by representatives of their own immediate choice —there is an end of the question. The radical reformist is right; for it is no longer a question of political expediency, but of natural and immutable justice. But to this principle the reformist must admit there are some powerful objections. One objection is, that it is utterly impracticable. You never can have an equal representation. At best it will only be the representation of the majority; and then the laws must be made by the majority of representatives, who probably will have been chosen by much less than a majority of the people.

But without stopping further to discuss this principle in detail, its soundness and foundation are altogether denied. We deny that government is unlawful, unless there be representatives equally and uniformly chosen by the people. We admit most unreservedly that all government is FOR the people: that their welfare is its only lawful end: that the prerogatives of the Crown are no farther lawful than as they conduce to that end: that the privileges of parliament rest upon the same basis. It is the HAPPINESS OF THE PEOPLE which forms the only legitimate principle and object of all constitutions of government. Different constitutions may suit different countries: but that constitution which will produce most happiness to the whole with the least sacrifice of the happiness of any part, is the most lawful form of government. And if to the British nation, the British constitution, as it now by law exists, is best calculated to produce national happiness, it may safely be maintained, that upon the soundest principles of moral and political justice, it is also the most lawful form; and that this modern doctrine of a right to a full, free, equal, and uniform representation of the people, is unsound in theory, and false in principle, unless those who would introduce it, can demonstrate, by irrefragable argument, that it will produce more happiness to the country.

Now, in favour of the British constitution as it exists, and in opposition to these visionary changes which are suggested, there is one pretty powerful argument arising from the infallible test of experience. If the tree is known by its fruits, then we know where the real tree of liberty has produced most abundantly. Our happy constitution has afforded more rational liberty; more security to person, property, and character; more substantial happiness than has elsewhere ever existed. Thus setting experience against theory, there is little doubt by which of the two the House and the public will be directed.

But if we examine more accurately into the structure of this House, it will not be difficult to discover the reasons of its producing these beneficial effects. The British government is not a republic, not a representative democracy. It always was a monarchy—a limited monarchy—limited and controlled by the other two branches of the state. The chief functions of the popular branch are, to control and to advise the executive branch. In its inquisitorial character, and by its peculiar powers over taxation, it controls. In its legislative character, and as a part of the great council of the nation, it advises. It occasionally controls both the other branches, but more ordinarily, it co-operates with them for the general good.

Now, to render the popular branch of the state adequate to and well qualified for these great purposes, it should collect and combine the wisdom, the integrity, the independence, and the knowledge of the commonalty of the realm. For its wisdom, it should collect men of the first talents; for its integrity, those of high character; for its independence, men of competent property; and for its knowledge, enlightened persons of all descriptions,—statesmen, landed proprietors, merchants, manufacturers, lawyers, naval and military officers, men of letters and of general information. The House as at present constructed is thus composed. And if the representation of the decried boroughs be examined, it may be found that some of the brightest ornaments, some of the members of this House most distinguished for talents, integrity, and knowledge, have at all times found their way into it through the medium of these very places;—persons of as much character and independence as those who represent places where the right of election is most popular.

So far from equality and uniformity being desirable, the more varied and diversified the mode of election, the more universal and perfect will be the representation produced by it.

At present we find that no particular interests preponderate. The landed, the commercial, the manufacturing, the professional, are all equally balanced and protected. The interests of the very lowest classes of society are as much regarded as the highest. Nay, it may be truly said, that this House, particularly in later times, has in all subjects, and especially in taxation, which is its own peculiar province, paid the utmost attention to the welfare of the lowest classes, and endeavoured to render the public burthens as little oppressive as possible to them, by laying these burthens upon the middle and higher ranks of society.

The reformists, however, cry out that it is extremely absurd and unjust that Cornwall should send more members than all Yorkshire, even more than the principality of Wales, nearly as many as the whole kingdom of Scotland! Here is inequality it is true; and if you were now forming a new constitution, you probably would not introduce such an anomaly. But finding the constitution existing, the proper question to be asked is, what is the practical inconvenience? Is Cornwall better taken care of, or are its interests more attended to than those of Yorkshire, or Wales, or Scotland? By no means; for it is the true principle of the constitution, as well as the actual feeling of the members of this House, that when seated here, they are not the agents, or attornies, or deputies of the places which chose them, but that each and every of them represents the whole and every part of the commons of the united kingdom.

It may be proper further to observe, that this constitution, in its practice, works by TWO GREAT PARTIES; one consisting of those who conduct the executive government, supported by such members as have a confidence in their abilities and integrity; the other, those who, not having that confidence, watch and criticise their measures; and whenever they appear wrong, oppose them. The constitution has always so worked;—and have what representation you please, it must always continue to do so. For if the body of the people could themselves exercise the powers of government, there still must be a party conducting it, and a party opposing. To alter this, you must alter the constitution of human society.

Between these two great parties, we find the different sorts of representatives pretty equally distributed, in proportion to their respective numbers. If it were otherwise, and the members chosen by popular election were all, or in great disproportion, found opposing the executive government, while those who supported it were principally composed of the representatives of small boroughs, there might be some colour of argument for attributing any errors or misconduct in the government to the support it received from borough representatives. But the fact is notorious, that the various sorts of representatives are pretty equally distributed on the two sides of the House.

Even this question of parliamentary reform, when it was brought forward some years ago by Mr. Grey in its most specious form, recommended by his great abilities, and after the utmost exertions to give it success, was not supported by more than twenty county members—not one fourth of the members of that description,—while the conduct of those county members who opposed the measure, was not marked at the ensuing elections by any disapprobation on the part of their constituents—This fact is a pretty satisfactory answer to much of the assertion made upon this subject of more popular Representation.

If, then, the House, as at present chosen, is extremely well calculated to perform the functions assigned to it; if it collects and contains the persons best qualified to discharge its duties; if all the interests and all the different descriptions of society are here represented; if this appears to be the case, both from looking at its practical effects, and upon analyzing its structure, let us inquire, what is proposed to be substituted for it? and what are the grievances which should induce us to make the experiment?

Various theories are afloat. Most of the Petitions ask for universal suffrage. That system has been disavowed upon all former occasions. No person ventures now to propose it in this House. It is a system which would manifestly destroy the whole balance of the constitution, produce a revolution, and carry the nation through the whole circle of revolutionary calamities, beginning with anarchy, and ending in military despotism.

The next plan is one step, and only one step, short of universal suffrage. "Representation coextensive with taxation," or all householders to have votes. In one respect this is worse, for it stands on no principle, not even on equality and the rights of man. This plan would evidently alter the whole system of the representation (at least in respect to three fourths of it), which has been moulded by time and experience, sanctioned by charters and statutes, and become interwoven with the habits and manners of the country. Upon this plan, it would be necessary to carve out the country into departments and districts, otherwise the principle of equal representation would not be attained. If this equality is to be governed by population, London and the home counties would have such a preponderancy, that the metropolis, like Paris, would become the despot of the United Kingdom—We may ask, would this uniformity of representation improve its character, or extend its universality? Just the reverse. The representatives would, for the most part, be of one description—the demagogues of each district; those who would most flatter and could best cajole the worst passions of the multitude.—The greater part of the country would thus be converted into large scot and lot districts; and would this tend to render elections more free from corruption, riot, and expense? How far a representation so constituted, or any ways approaching towards it, would be an improvement upon the present constitution, seems unworthy of refutation by argument. It is sufficient just to have stated it, and to leave it for decision to the good sense of the House and of the country.

But before we should admit of any experimental change, even if something more plausible and specious were offered to our consideration—before we should consent to the risk of altering what is practically good, it should be proved to us, that notwithstanding all this good, there are still certain grievances of great magnitude which arise from the present state of the representation.

Upon this subject of Grievances we are in the habit of hearing much declamation and invective. Certain topics are usually launched forth, well calculated to make an impression, if not upon the good sense and enlightened minds of the House, yet upon popular feeling, more especially when it is rendered irritable from the pressure of distress. Upon the present occasion much has been said of the "corruption of parliament," but as it has been stated to be a corruption consistent with honour and integrity, it appears to be of a sort neither very easily understood, nor very necessary to be refuted.

The great grievance prominently brought forward in the Petitions is "excessive taxation." If by excessive is meant heavy taxation, the fact must be fully admitted; but it does not bear upon the present argument unless it has arisen from some defect or fault in the present mode of representation. If by *excessive* is meant unnecessary taxation, then the fact is denied. The great bulk of the taxation is necessary to pay the interest of the public debt. So great a breach of national faith, so gross a fraud on the public creditor as not to pay this interest is not yet avowed, whatever may be the views of some of the reformists, and whatever would be the effect of the subversion of the existing order of things.

In respect to the taxation necessary to support the Establishments, if they are still too high, reduce them further. In the public expenditure, œconomy and retrenchment are admitted to be proper as far as is consistent with the safety of the state; and there is every reason to believe that the House and the government have been sincere in pursuing this course. But in reducing the Establishments, let them take care not to risk the subversion of the constitution and all its blessings. The peaceable and well disposed have a right to expect protection and security.

But to return to the point of argument, namely, whether the burthen of taxation be attributable to the state of the representation.

There is no doubt that the burthen has arisen chiefly from the wars in which the country has been engaged. And it is fairly meeting the argument to consider, whether those wars would have been prevented, and whether similar wars will in future be prevented, by a different sort of representation. Now, the argument is put thus:—"By a more equal and uniform representation the feelings of the nation, and of its representatives would be more in unison." For the sake of the argument, be it so;—but if the feelings of the nation and of its representatives had been more in unison, would the wars which produced these burthens, have been prevented?

History does not teach us that democratic states, if great and powerful, are less irritable or less inclined to war than other states. It was not so with the ancient republics. It was not so with the French republic. The democratic party in America were not the least clamorous for war with this country before the late hostilities.

It is yet more to the point to inquire whether equal and uniform representation would have prevented our own wars.

We might go back to every war since the Revolution; but it will be sufficient to consider the two last wars, since our present burthens are principally to be attributed to them.

Now, nothing is better established than that the American war was popular in this country to a very great degree. It is true, there was a party in this House which opposed it, but they did not carry the sense of the country with them till towards the very end of the war. In 1780 there was a general election. The counties, cities, and great towns re-elected those representatives who had supported the war. But in the city of Bristol, where there are seven or eight thousand voters, Mr. Burke who had zealously opposed the American war, lost his election—a pretty strong instance of the state of popular feeling at that time. The disasters of that war did at length change public opinion. Disasters, accompanied by heavy burthens, may have sometimes a more undue, but generally a speedier effect upon popular feeling than upon a select and deliberative body. But it was this House, so chosen in 1780, which in two years afterwards, in unison with the nation, did pull down lord North's administration, and put an end to the American war. It was the same House of Commons which, in spite of government contractors then holding seats in it, declared that the influence of the Crown ought to be diminished, and which took several measures for that purpose.

To proceed to the French war. No person will deny that the war with France was a popular war. Again, a party in this House opposed it as unjust and impolitic. Whether they were right or wrong is not the present question; but never was a political party so reduced in numbers; and they themselves never asserted that they carried the voice of the nation with them. During this long war, several general elections took place. The counties and great towns did not dismiss their representatives and choose those who opposed the war. If there are any persons now who, looking back to the events of the war, can think that a peace with Buonaparte, at the expense of his continuing ruler of France, would have been preferable to continuing the war and bringing it to its final glorious issue, even at the expense of the burthens we are bearing, such persons will not carry the general sense of the nation with them.

The result then is, that a House of Commons, differently constituted, would not, because it spoke the feelings of the nation, have prevented these wars, and the burthens which have been consequent upon them.

Nor is there reason to suppose that a more equal representation would have diminished the expenditure. Look at the French republic: it was not less lavish in its expenses than the monarchy. At one period, its expenditure was not less than ten millions sterling per month, raised by the most oppressive requisitions and confiscations, and applied to the most corrupt and iniquitous purposes. The management of the public purse, as far as we can judge from little incidents occasionally taking place in this House, would not be more frugal in the hands of representatives, however chosen, than by the responsible ministers of the Crown.

If the subject, then, be fairly analysed and examined, the advantages promised from identifying the House more directly and completely with the electors, are perfectly visionary.

Public opinion, in its true meaning, is unquestionably entitled to the highest consideration and respect. The deliberate voice of the nation is seldom wrong. But popular clamour is not public opinion. Popular feeling is sometimes hasty, often fluctuating, frequently raised on false and erroneous grounds. The representative body may be too much identified with that feeling. A deliberative assembly, under the pressure of temporary disasters, or accidental vicissitudes, is likely to judge more wisely and act more firmly and prudently than the body of the people. But when public opinion is the cool and deliberate sense of the nation, formed upon mature reflection, it always must have its effect upon this House. The House must and will conform to it.

The supporters of parliamentary reform assume that they have the voice of the nation with them from the number of petitions presented to the House. Every person who justly estimates the right of petitioning, must grieve to have seen the mode in which, for the most part, those petitions have been procured. Every abuse of that invaluable right tends to injure it. When grievances not really felt by the people are suggested by artificial excitements, in order to produce discontents,—when the people, suffering under some unavoidable pressure, are deluded into a belief that their distresses are imputable to the corruption of this House, and will be removed by reform in parliament—petitions so obtained do not carry with them the weight that belongs to public opinion. Nor are we to be told that alterations in the constitution *must* be made in order to satisfy discontents thus raised. If we sacrifice the blessings which the nation enjoys, in order to gratify the caprice or soothe the insolence of the disaffected,—if we put to the risk the best interests and the substantial happiness of the country, in order to redress imaginary grievances,—we shall neither retain the respect of the wise and the contented, nor put an end to the demands of the dissatisfied. No—let us stand firmly by the constitution, if we value its blessings, or wish for its permanency.

We have been reminded, and it is true, that many great and good men have been friends to parliamentary reform; not indeed of a radical sort, but upon a moderate scale; and some reformists of that description doubtless still remain. Mr. Pitt, in the ardor of youth, heated by party, before his judgment had been matured by experience, did warmly espouse the cause. He brought it forward in 1782 during lord Rockingham's administration —again in 1783—and afterwards in 1785, when he was himself established as minister of the country, and with all the weight of his station and great talents. But, with all these advantages, the proposition, though moderate, failed of success; and even then, the extreme danger of meddling with the venerable fabric of the constitution was strongly felt and insisted upon.

But events have since happened, which, while they have decidedly confirmed the ground of alarm at the danger of change, have tended to correct the opinions and to reduce the numbers of moderate reformists. The FRENCH REVOLUTION has afforded an example by which we should profit, and be grateful that the experiment was not made in this country. That awful event, and the dreadful calamities which have accompanied it, must have taught us the truth of the assertions, that those who begin the measure of reform, seldom see its completion—that the work of change once begun, no person can fix the limit where it shall stop; that the storm once raised, it is impossible to direct its course, or to foresee "whither it goeth." We must further be aware, that the very agitation of this question at a time when the population is suffering under the pressure of distress, is attended with increased danger, since the physical force of the country is then liable to be deluded and misled by those who have very different designs from the moderate reformists. At such a time the slightest scratch may produce a mortal wound to the Constitution.

After the experience of these events, no person need be ashamed to avow a change of opinion upon experimental reform. Mr. Pitt, who with so much zeal had brought forward the plans of 1782, 1783 and 1785, was manly enough in 1790, 1792, 1793, and 1797, to avow that his view of the subject was altered, and to admit "that the probability of good was but little, while the danger of mischief was of a size so gigantic as to exceed all calculation." In 1800, he expressed himself most decidedly confirmed in this change of opinion; for after admitting without disguise the early sentiments he had entertained on the subject of reform, —after referring to the events which had since happened,—after enumerating the actual blessings which the nation enjoyed under the constitution as it then existed—he is said to have expressed himself in these memorable words: "Upon this subject I think it right to disclose the inmost recesses of my mind, and to declare my most decided opinion, that even if the times were proper for experiments, any the slightest change in such a constitution must be considered as an evil." To this opinion the House and the country will do wisely to adhere, inasmuch as practical happiness is far preferable to experimental change.

The declaration of Mr. Pitt, just referred to, was made in the course of the debate on the Irish Union. That event has given to the moderate reformers almost the exact improvement (if it was any) which was originally proposed by them. Lord Chatham in 1770, and the reformists of 1782, only proposed to invigorate, or as they termed it, "to throw new life into" the representation, by adding one hundred members to this House, to be chosen by the counties and populous towns. Now, by the Irish Union one hundred members, chosen by counties and populous towns, have been added to this House. Whether or not it has afforded any practical improvement, it is not necessary to decide. But to the moderate reformist it is fair to state, that his experiment has been tried. The House is more popularly chosen. If the improvement has taken place, he should rest satisfied—if his expectations have been disappointed, and the influence of the Crown has not been diminished, then his theory was erroneous.

There is still another circumstance which deserves to be well weighed by the moderate reformist, namely, the change of character which the measure has assumed since it was originally proposed, not only in the extent of the measure itself, but in the hands into which its management has fallen, and the description of persons who have embarked in it,—all tending greatly to increase the magnitude of the danger.

In former times, in 1780 and 1782, persons of high character, respectability and weight in the country, took the lead in the conduct and management of the measure. In 1790 and 1792, the society of "The Friends of the People" included persons, who, though opposed to the administration, were also of high character, and of known attachment to the constitution. They distinctly declared their object. They honourably disavowed, not only the views of, but all connexion with, and avoided giving any countenance to, other societies, who had exposed themselves to the suspicion of pursuing objects less constitutional. They did not endeavour to enlist the mere multitude, and to excite the physical force of the country to engage in the cause,—nor were the lower classes at that time extensively disposed against the higher classes of society. The station and character, therefore, of those reformists, as well as their conduct and views, afforded a pledge to the country, that their object was not mischief to the constitution, however erroneous might be their plans for its amelioration.

But surely it cannot have escaped observation, that the measure is now got into very different hands, and has assumed in all respects a more alarming character. Of course this remark is not intended to apply to any member of the House, towards whom no personal disrespect can be meant, but is exclusively applied to those who take the lead in the business out of this House. The fact being notorious and undisguised, an allusion may be made to the individual who has been most active in framing petitions, in advising measures, and in visiting different parts of the country. It is a little alarming that the continuance of this individual, as a member of the society of the Friends of the People occasioned the secession of some of the leading members of that association. In June 1792, the chairman (then member for Hertfordshire), the deputy chairman (now a noble duke), and two or three other distinguished members withdrew from that society, and in a public letter assigned as their reasons, that the individual referred to "*after an express avowal, of a correspondence actually carried on under his hand and signature* with the Jacobins at Paris *was not excluded from the association.*" This individual (who may be an excellent private character) has never, as far as we have heard, recanted the political principles he then held, nor has his recent conduct afforded any marks of such a change: yet he is the great manager and oracle of parliamentary reform in the present day, and has been made the subject of panegyric in this House.

Instead of an association, like the Friends of the People, sanctioned by near a hundred names of persons of high constitutional character, affording a guarantee for the security of the public peace, we have clubs of unknown persons, of all descriptions, working in the same direction. The Spenceans, declaring hostility against all the rights of property; other clubs, avowing universal suffrage to be their object; and some of them adding, that if they obtain that, "all the rest will follow;"—and even societies professing to be moderate, yet not limiting their views, but declaring that "representation *at least* co-extensive with taxation," is their object.

It is equally obvious to notice that indefatigable pains have been taken by the disaffected for the last twenty-five years, at every favourable opportunity, to seduce the lower classes of the people; and that those efforts have not been wholly unsuccessful. Within that period also, the manufacturing population has greatly increased; and it is well known that a manufacturing population, from various causes, is more easily instigated to sedition and revolt, than the agricultural and handicraft population. Means also the most iniquitous, by the abuse of the liberty of the press, have been resorted to, for the purpose of undermining the moral and religious principles of the lower classes, so as to render the physical force of the country fit and ready instruments to forward the work of insurrection and rebellion; certain vile incendiaries promising them unattainable good, and under the sacred names of liberty and the constitution, goading them on towards the destruction of both.

Looking, then, at these circumstances, can any person fail to see that the business of reform has assumed a different character,—that it has got into more dangerous hands,—that it has spread more widely among a deluded population,—that its success, if once begun, may be attempted by physical force;—that the risk of plunder and bloodshed is increased, and consequently, that the agitation of the question is infinitely more to be deprecated, than when it was under the conduct and management of persons of a different character?—and may we not hence be reasonably led to hope that moderate reformists, though retaining their former opinions on the abstract question of parliamentary reform, may so far change their conduct, as to withhold any countenance from the measure; since, to give any countenance to the wild notions now afloat, may tend to involve the country in confusion, disturbance, and anarchy?

But it may be asked, is the constitution so perfect as to admit of no improvement? and, setting aside the circumstances of the present moment, are we for ever, under the alarm of innovation, to abstain from remedying existing evils? To these questions it may be answered, that no human institution is perfect.—Point out any specific evil.—Propose the specific remedy. If the evil is proved to exist, and the remedy is well adapted and may be applied without the risk of greater evils, let it be resorted to. But if the evil be imaginary, or at most trifling, and the proposed remedy so extensive that you cannot ascertain its limits, it would be unpardonable rashness to risk the happiness of the nation by the hazard of so dangerous an experiment.

The constitution has within itself the means of remedying its own defects, and providing for its own amelioration, without these fearful schemes of new modelling and recasting the popular branch of the legislature. This *corrupt* representation (as it is the pleasure of some persons to term it), the structure of which has undergone no material change since the Restoration, has yet within that period added new safeguards to limit the powers of the Crown, and to protect the liberties of the people. Need the House be reminded, that during the reign of Charles 2nd, the Habeas Corpus act was passed, which has justly been considered as the great bulwark of the liberties of the people. A bulwark which, in its ordinary operation, protects the subject against the oppression of the Crown. Nor is it less valuable because, by its occasional suspension, it enables the Crown itself to protect our liberties (for security to person and property is of the very essence of liberty) against the turbulence and violence of traitorous conspirators.

Be it also remembered, that representatives, chosen as at present, brought about the Revolution,—that great event which fixed the liberties of the people upon a solid and permanent basis—that they passed the bill of rights, the toleration act, secured the liberty of the press, and have been at all times vigilant to protect and extend the real happiness of the country.

These facts are so striking, that some distinguished reformists have found themselves obliged to admit the present representation to be adequate to resist the *power* of the Crown, but not to resist its *influence*. For this distinction no attempt at any argument was made, nor any plausible reason assigned;—it was mere assertion, and to assertion it might be sufficient to oppose denial. But is it true that the representation has not resisted, and adopted various measures to diminish, the influence of the Crown? Without going farther back than the present reign, it will refute the assertion to mention a very few instances. The commencement of the reign was marked by the very important measure of rendering the judges independent of the influence of the Crown. The passing of the Grenville act for deciding contested elections, more directly applied to securing the purity and independence of the representation;—the depriving revenue officers of the right of voting at elections,—the exclusion of contractors and others from seats in this House, had the same tendency. In short, so far from the direct influence of the Crown having increased in this House, the number of persons connected with the Crown by office, who now sit here, is reduced by above one half;—the whole number not amounting to fifty, notwithstanding the House itself is increased by the addition of one hundred members from Ireland.

It is, however, not to be disguised that by the increase of the public debt, and the general establishments of the empire, the *patronage* of the Crown is certainly increased. But in the first place, we should recollect that we have been looking at this subject of patronage for the last twenty-five years, during a period of far extended war. The return of peace has alone diminished that patronage to a very great extent. And how is parliamentary reform to remedy the evil arising from this increased patronage? Is it proposed to transfer it to other hands than the executive government? Or how will its influence be diminished? Does a member, popularly chosen, apply less frequently for this patronage than one who represents a small borough? The degree of influence arising from the exercise of this patronage, depends more on the character of the representative than on the manner in which he is chosen, and the alteration in the structure of the representation, does not appear to be calculated to furnish a corrective to this increased patronage.

Correctives, however, have not been wholly wanting. They have been furnished in various ways. The improvements made in the mode of collecting the revenue has tended to lessen the influence in that respect. The manner in which the supplies for the public service are procured,—not by the favour of private contracts, but by public competition,—has a similar tendency. Look also at the administration of the army and navy, and no person who remembers or has heard how those two great branches of the public service were administered in former times, will say that they now produce the same degree of influence in respect to this House. The increased wealth and weight of the commonalty has also tended much to diminish the comparative influence both of the aristocracy and of the Crown.

But above all, look at the increased freedom of public discussion, and consequently the increased effect of public opinion.—There is one circumstance alone which has thrown more weight into the popular scale of the constitution, than all the increased patronage has added to that of the Crown: that is, *the free Publication of the Debates in Parliament.* Nothing passes in either House that is not immediately circulated through every part of the kingdom, and submitted to public opinion. No grievance, real or imaginary, is felt by any body of men, however small, or by any individual, however low and obscure, that is not here subjected to discussion. No minister, no magistrate, no person possessed of power of any kind, dares to exercise it, either oppressively or corruptly, unchecked by the apprehension of having the transaction investigated. He well knows that he incurs the risk, nay, almost the certainty of having his conduct canvassed in parliament by persons of the first talents in the country, and submitted at least to the tribunal of public opinion. The present danger is rather on the other side, lest persons should be deterred from undertaking public duties, and discharging them without bias, by the apprehension, however conscious of their own integrity and good intentions, of having their conduct called into question.

The power of the Crown, then, to do wrong in any respect, either by oppression or corruption, so far from having practically increased, the more just conclusion in regard to it is, that the subject never enjoyed liberty in greater perfection than in the times in which we live. The principal drawback from that enjoyment arises from the licentiousness of the turbulent and disaffected, disturbing the repose, and alarming the apprehensions of the peaceable members of society, by traitorous conspiracies to subvert the constitution—a constitution most admirable, which the wit and wisdom of man could not, by one effort or in one age, have constructed, but which has grown up in the course of ages, and out of a series of events, either fortuitous or providential, till it has become the greatest blessing ever conferred upon any nation. If in former times it claimed veneration and attachment, much ought those feelings towards it to be increased, now it has with safety carried us through the perils and dangers of the last twenty-five years. Amidst all the storms which have assailed, and all the miseries which have befallen the nations around us, it has hitherto remained unshaken and unimpaired; and it has finally conducted us, notwithstanding the pressure of some temporary distresses, to the highest point of security, glory, and happiness. To change this constitution, to put it to the least risk by any visionary experiment for amending it, would be more than folly; it would be the height of political criminality. Sir John Nicholl concluded by declaring, he should give a decided negative to the motion.

Lord *Cochrane* said, that after the speech of the hon. baronet, the mover, and of the hon. seconder of the motion, it would appear presumption in him to offer any observations in elucidation of that which was very properly considered by the people the most important question which could possibly engage the consideration of the House; but he could not refrain from noticing some assertions which had fallen from the last speaker. The hon. and learned gentleman, the dean of the Arches, had explained how curiously and how nicely parties were balanced in that House, and how they worked against each other; but he had forgotten to tell that there was another balance, in which the whole weight of that House was on one side, and that of the public on the other. He had entered into a long detail of the advantages of the constitution, and the blessings enjoyed under it, but he had entirely forgot to mention that that constitution was destroyed, and now no longer existed [Cries of Hear, hear, and order!]. He had a right to say that the constitution no longer existed while the Habeas Corpus act was suspended. After a description of that balance of interests, which, in the opinion of the hon. and learned gentleman produced an equalization of representation, than which nothing could be better, he proceeded to show how agriculture, commerce, and all other interests were taken care of in that House; how each had its proportionate share of influence: but he again made an omission—he forgot to state, that self-interest was in that House a preponderating influence, he meant the all-powerful influence of places and pensions. Could it be supposed that these were things which had no effect on the measures of that House? Were the members of the House of Commons the only persons in the world so very pure that they could not be influenced by the motives which actuate other men? [Hear, hear!]. What was to be expected from the present system but the daily operation of such influence? If an hon. gentleman accepted a seat on either side of the House from a borough proprietor, was it not notorious that he must vote as his constituent pleased to direct him. He had now had a seat in the House upwards of ten years, and he had found that to be uniformly the practice. It was to get rid of these and other abuses that the people called aloud for reform, and it was the bounden duty of the House to accede to the prayers of the people, and to consent to that reform. But reform they must have, whether they would or not. The state of the country was such that it was impossible things could go on long as they were now conducted. There was a general call for reform, and it was the knowledge the people had of the influence which prevailed within that House that had produced that call. If the call was not obeyed thank God the evil would produce its own remedy, the mass of corruption would destroy itself, for the maggots it engendered would eat it up. They (the members) were the maggots of the constitution. They were the locusts that devoured it, and caused all the evils that were complained of. There was nothing wicked which did not emanate from that House [a laugh]. In it originated all knavery, perjury, and fraud [reiterated and tumultuous cries of Hear!]. They knew well all this, and they also knew that the means by which the great majority of the House were returned was one great cause of the corruption of the whole people. It had been said, let the people reform themselves; but if sums of money were offered for seats within these walls there would always be found men ready to receive them. It was impossible to imagine that the profuse expenditure of the late war could have taken place, had it not been for a corrupt majority devoted to their selfish interests. At least it would have had a shorter duration from being carried on in a more effective manner, had it not been conducive to the views of many to prevent its speedy termination. Much had been said about the glorious result of the war; but had not the lavish expenditure loaded us with taxation which impoverished the people and annihilated commerce? Were not vessels seen every where with brooms at their mast heads? Were not sailors starving? Was not agriculture languishing? Were not our manufactures in the most distressed state? Some of the greatest landholders in the country were now in the House. He would appeal to them. Did they receive any rents? Were they not merely the stewards of government? Were they not holding their estates as agents of government for the benefit of the fundholders? Did they not see this? And would they allow themselves to be really robbed of their estates from an ideal apprehension of Spenceans. Was there nothing Spencean in the conduct of ministers which required the vigilance of the landed proprietors? Though the wild theories of visionaries had been made an excuse for abolishing the constitution, that work, it would be recollected, was done by a committee chosen nominally by ballot; but in fact by a majority under the influence of ministers. There was, therefore fraud and delusion in the very origin of the business. The country would remember, to the disgrace of all concerned, that when the committee, on whose report the liberties of the country were suspended, was balloted for, a list of names was put into the ballot box, written at the Treasury. Was not this a mockery and fraud on the public? What could be more base? Did they not hear with astonishment that the mock committee was again to be revived for the purpose of suspending the constitution? And for what? because that House and ministers were afraid that the expression of the public voice might arrest them in the progress of their delinquency. He was persuaded that no man without doors wished the subversion of the constitution; but within it was contended that bribery and corruption, were the constitution. Mr. Pitt himself had confessed that no honest man could hold the situation of minister for any length of time. He spoke not of private character. He was persuaded that no man could be more moral than the right hon. the chancellor of the exchequer, but it was not possible for him to be an honest minister until measures were taken to purge and purify the House. If this were not done, it was in vain to hope for a renewal of successful enterprise in this country. Commerce would never again revive—the sun of the country was set for ever. It might, indeed, exist as a petty military German despotism, with horsemen parading up and down with large whiskers and sabres ringing on their horses backs, and with fantastically shaped caps of fantastical colours on their heads—but that this country could be a great military power was quite impossible. It had been said, the people ought to reform themselves; but before they were called upon so to do, he thought it was the duty of every man in that House to take the mote out of his own eye [Hear, hear!]. He was glad to observe that this call of hear came not from lords of the Admiralty, because they had particular reasons for being aware of the truth of his observations in regard to himself. As the honourable dean of Arches had instanced juries as one of the benefits of the constitution, he would affirm with respect to the manner that juries were chosen under the present system, that justice was much better administered—in a more summary manner—with lesss expense—and no chicanery—by the dey of Algiers [loud laughing]. And if this country were erected at once into a down-right, honest, open despotism, the people would be gainers. If a judge or despot then proved a rogue he would at once appear in his true character: but now villainy could be artfully concealed under the verdict of a packed jury. He was satisfied that the present system of corruption was more detrimental to the country than a despotism, which he hoped the noble lord opposite (lord Castlereagh) would have the goodness to favour them with—let us have at once a down-right open, honest despotism. At present we had latitude given to express our sentiments which only tended to insnare [Hear, hear!]. Nothing had been stated by the honourable the dean of Arches against the motion of his hon. friend. His hon. friend had argued the question generally, and it was complained that nothing specific was brought forward; but had any specific measure been offered, it would have been said it was not the best, and every one would have started forward with his own plan. The House ought not to refuse to have this important subject investigated in a committee—they consented to committees when the object was to destroy the constitution of the country, and on trifling occasions, but they condemned the whole people unheard! There could be no hope that the suspension of the Habeas Corpus would ever be moved while the present financial system was continued. To that system he was convinced we owed all our evils—it would soon effect the total extinction of our commerce, navigation, and manufactures. He was convinced, that so long as the enormous burthen of taxation pressed, there would be no employment for the lower orders of the people. It was idle to talk of making roads and canals, and digging holes one day to be filled up the next. Unless commerce revived there would be no use for more canals. And as to making and filling up holes, it might be justified as continuing the people in habits of industry for a while; but if there was no prospect of the situation of the country improving, there could be no use in their continuing in the possession of habits of industry. And he again repeated that without lessening the taxes, commerce, agriculture, and manufactures must languish and decay.

Mr. *Curwen* had wished to have caught the eye of the Speaker sooner, but had he viewed the situation of the country in the same light as the noble lord who had just sat down, he certainly should not have been so anxious to rise. It was because he believed the country possessed the means of recovering from her present difficulties, that he was anxious to see those abuses removed which retarded its prosperity. The state, however, in which parliament and the country were placed by the recent measures was most serious. The reason of the late unconstitutional measures was obvious enough. They had been compelled to abridge the liberties of the people, because they did not possess their confidence. Had the House ever properly inquired into the expenditure of any war? This they had always avoided; and it was this disposition to leave the public purse at the mercy of the ministers of the day of which he complained. In the present session examples had been given of that undue confidence. They had voted very improperly a great war expenditure; and while such things were done, was it surprising that they did not possess the confidence of the people? The wish for reform was general, and he thought it would be wise, as a measure of policy, to give the people some farther degree of political power, not only to induce them to bear the present burthens, but those future difficulties which awaited them. Could it be forgotten that an act of parliament had been passed, the preamble of which recognized that the sale of seats in that House had taken place? The learned gentleman had asked whether a reform would send better members into that House? He did not know that it would alter the individuals who composed that House; but of this he was certain, that if they should be the same men, they would be acted upon by other motives. He would ask whether there had ever been a time in which the people of England bore their distress with greater fortitude? There had only been some trifling instances of irregularity or violence. With regard to the unfortunate persons accused of treason, they were so poor and destitute of any thing like influence, that their situation was calculated to excite no feeling but that of pity. The majority of the people, he was convinced, were attached to the constitution; but a uniform resistance to reform was not the way to preserve that attachment. The example of France had been, as it frequently was on occasions like the present, referred to; but he wished that those who were so fond of directing the attention of the House to that subject, would consider what had been the cause of the French Revolution. In his opinion, it was solely resistance to a timely and prudent reform. On these grounds he should support the motion.

The Hon. *J. W. Ward* rose and said:

In one point, Sir, I entirely agree with my hon. friend who spoke second in the debate, that the subject now before us has assumed a different shape from that under which it had hitherto appeared. The number of those that have asked for parliamentary reform, and the temper in which they have argued the demand, have indeed given to the question a new and formidable aspect, and justify the apprehensions I entertain, lest those efforts which are made to bring about a change in our constitution should at last succeed, unless they are earnestly and unanimously resisted at every step. I speak sincerely when I say, that I am far from imputing any ill intention to those gentlemen on the other side of the House who have thought fit, at what appears to me a most inconvenient season, to agitate this question, but they must pardon me when I declare (with that difference only that arises from difference of intention on their part) that a motion for reform in parliament produces upon my mind the same effect as a motion for a democracy, a motion for a revolution, a motion that the form of government under which England has equalled, surpassed the happiness of the wisest, and surpassed the fame of the most glorious communities that ever existed in the world, should now cease and determine. With this impression upon my mind, I trust I may be excused if I trouble you with a few words, only by way of again protesting against this mischievous and formidable innovation, and of discharging, so far as in me lies, my debt of gratitude and deference, to that order of things to which I owe the greater part of whatever happiness I enjoy.

The hon. baronet who moved this question, and the gentlemen that have followed him on the same side, have dwelt, as it was natural they should, with great confidence upon the numerous petitions for reform that have been presented to parliament in the course of the session. Sir, I am as far as any man from denying, that the request of so large a body of persons is entitled to the most serious consideration of the House, and yet there are some circumstances both in the matter of these petitions, and in the manner in which they were obtained, which very much diminish the effect they ought otherwise to have upon our decisions. For, Sir, it happens very unfortunately that the objections to our present system of representation, though resting upon no solid foundation of reason or experience, are of a sort well adapted to the taste, and intelligible to the understandings of the vulgar, whilst the principles upon which the defence of it must be placed require more knowledge and reflection than belongs to that class of persons by whom the petitions, for the most part, have been signed. It is very easy to tell them that they have a right to be represented, and it is still easier to show to them that in the sense which they annex to the word, they are not represented; and then the necessity of a sweeping change follows as an inevitable corollary from these two propositions. But to correct their very inaccurate notions of rights, to explain to them that virtual representation of all orders and all interests which exists in the present system, and to unfold to them the complicated scheme of our balanced government, in which the vast power of one estate (that is of the democratical part of the constitution) is prevented from extinguishing the other two, by the salutary influence which they exercise upon that estate in its very composition; is a far more difficult task, and one which it would be almost impossible to execute with success to an irritated, prejudiced, and ill-informed audience. I say ill-informed, because, can any man that has attended to the language of the petitions that have been presented to us, doubt for an instant, that the greater part of the persons by whom we have been addressed are miserably ill acquainted, not only with the reasonings, but with the common historical facts that are necessary in order to put them in a condition to pronounce a sound opinion upon that subject on which they have been advised to address parliament in so peremptory a tone. Indeed, Sir, it appears to me that the petitions are to be considered as the evidence, not so much of a real desire for parliamentary reform, even in the petitioners themselves, as of the prevalence of two great national evils,—distress and ignorance, and for neither of these is any remedy or alleviation to be found in parliamentary reform. The distress is to be alleviated by private charity, by parsimony carried to its utmost extent on the part of the government, and, ultimately perhaps by some improvements in our system of political œconomy. As to the other great evil—ignorance, it is not necessary that I should endeavour to point out the true remedies; but this much is certain, that it will never be dispelled by the reformers, who have of all men living taken the greatest pains, and with the most success, to darken and mislead the people. At present the history of the petitions I take to be this:—the people are distressed—that unfortunately is the only fact of which they can be quite sure. This is a situation in which complaint is certain, and even ill-humour is to be excused—and when great pains are taken to assure them that their misfortunes are owing to the corruption of their governors, or the defects of their constitution, it is not unnatural that they should listen to those whom they believe to be their friendly and disinterested advisers, and put their names to those insolent and absurd papers with which our table has been loaded almost daily for the last four months, and which, I repeat it, are not to be regarded as a deliberate expression of an opinion which they have probably but little considered; but merely as an indication of a real distress, and an unreasonable resentment. They are entitled to be treated by us tenderly and considerately; but whilst we give full compassion and full credit to the statement of their sufferings, we should act most absurdly as well as most unfortunately for them and for ourselves, if we trusted to their judgment in administering the remedy. I much question whether what we have seen can be considered as forming a popular cry in favour of parliamentary reform; and even if it did, I should look upon it as affording an additional argument against that measure. It would be a proof the more that we ought not to place ourselves in a situation in which we might be governed by temporary opinions, the result of temporary delusions, or temporary distresses; and that we ought to cling more closely than ever to that fortunate and admirable system, which enables us to distinguish betwixt the transitory feelings, and the real permanent sense of the people. Two years ago, we scarcely heard the name of parliamentary reform, two years hence, if our commerce and manufactures revive, we shall hear of it just as little, and the people will look back with indifference, perhaps with contempt, to their now favourite projects.

The hon. baronet has judiciously framed his motion in the way that is best calculated to conceal those differences of opinion that exist among his friends, and carry the greatest possible number of persons along with him in the vote of this night. But there are, as we are all aware, various species of reformers, too numerous to describe, but who may all be considered as falling under two grand divisions of Radical Reformers and Moderate Reformers—The Radical Reformers by whom the greater part of the petitions have been framed, and who certainly constitute the great majority of the reformers out of doors; and the moderate reformers, to which class the greater part of the gentlemen opposite belong, and who must of course be met by arguments of a very different nature.

By Radical Reformers, I mean not only those that are for annual parliaments and universal suffrage, but all that class that desire to alter the constitution upon some grand general sweeping plan; by Moderate Reformers, I mean those that would be content with partial alterations applicable to what they deem particular grievances.

The mischief and absurdity of what is called radical reform is so generally felt and acknowledged within these walls, that I should perhaps do best by sparing the House the trouble of hearing any thing from me upon that subject. Still, however, as it is the thing asked for in most of the petitions, and as it must consequently be acknowledged to have a large number of supporters out of doors, I shall beg leave to say a word or two upon it before I proceed to those less extensive projects that are recommended to us in parliament.

In the first place, I must observe, in strict conformity to all our history, all our records, and the whole analogy of our constitution, though in direct contradiction to the reformers, that reform by universal suffrage and annual parliaments, is not the restoration of something that did once exist, but the establishment of something quite new, and as little resembling what gentlemen are sometimes pleased to term the old constitution of this country, as the government of Carthage, or the Roman method of voting by centuries. The hon. baronet has insisted that parliaments were formerly annual; and in one sense of the word I am not disposed to deny that by the law of the land (more frequently violated than observed in those times of violence and barbarism in which he is pleased to fix the pure era of our constitution), they were annual,—but not in the sense that he annexed to the word. Parliaments were annual, that is they were (or ought to have been) summoned every year; but whether or not they should be new parliaments; seems to have been left to the discretion of the Crown, and was probably not considered to be a matter of much importance. Indeed the next fact which he stated in the course of his historical investigation, is not very well calculated to support his own interpretation of the word "annual." He said, that even as far back as the conquest, William the Norman, conqueror as he was, still was obliged to summon his council every year. Now that council consisted of the great men of the land, earls, bishops, barons, and mitred abbots, who had a personal right to sit in these; it must always have consisted of the same individuals. It might be *annual*, but it could not be *new*. Again with respect to the composition of parliament in ancient times; some places, no doubt, are become less populous than they were, the right of election, which was real, has become only nominal; but to affirm that representation was ever proportioned to the wealth or population of the privileged places, is to maintain a proposition of exactly the same sort, as if any one were to affirm, that in the good old times, the county of Rutland was as big as the county of York, and that the borough of Gatton was in those same happy days as rich as the city of Bristol. It may be very absurd that a place so small as Gatton should send two members, and that a town at all times so considerable as Bristol should send only two, and that a handful of Rutlandshire freeholders should enjoy a privilege that is divided among twenty times their number in Yorkshire, but absurd as it may be, it is an absurdity for which our ancestors are answerable. They had never dreamt of this principle of equal representation, of which accordingly the constitution they have bequeathed to us does not exhibit the smallest trace. As to the influence that was exercised over borough towns in the early periods of our parliamentary history, we have not, so far as I am aware, any accurate means of measuring it; but is it to be imagined that the great nobility in that age, whose enormous estates extended over whole districts, who were too proud, too powerful, and too barbarous to submit to laws far more necessary than even laws for securing independence of elections, did not exercise the most absolute control over towns which belonged to them almost like their other goods and chattels, and whose inhabitants they still reckoned to be their vassals. But the historical part of the question is so clear and unquestionable, that it would be hardly worth while to mention it, did not the language and doctrines one has heard upon the subject, and the traces of them that are almost every where to be found in petitions, afford a most remarkable instance of the ignorance of the great mass of the radical reformers, and of the impudence and dexterity of their leaders in operating upon it. These leaders well know that the people of England are beyond almost any nation attached to the laws and usages of their forefathers, and that the thought of a new constitution would be highly distasteful to them even at a moment of the greatest distress, and the greatest discontent; and they have therefore, with admirable boldness, and admirable falsehood, endeavoured to make themselves so powerful a weapon, and turn it against their opponents, to whom it naturally belonged; and whilst they were in fact proposing as great and formidable a change as ever took place in the government of any country, they have very gravely, and to say the truth not altogether unsuccessfully, stated, that they were only desirous of recalling the constitution to its ancient form, and its acknowledged principles.

But let us consider, or rather let them consider, what sort of government it is that they would give us in place of our own. If they listen to their leaders out of doors, they will be persuaded that radical reform is all that is necessary to make this the very perfection of a mixed and balanced constitution. The king will enjoy his just prerogative;—heaven forbid that they should harbour any design of trenching upon it, they rather wish to confirm and strengthen it in the hands of his majesty, his heirs and successors. The peers too will continue to exercise their lawful and salutary privileges. The reformers have no doctrine at all in reserve by which they might be assailed, still less could they be invalidated by any legitimate deduction from their avowed principles. The only object of their attack is the House of Commons. The only cause of complaint is, that this statue of gold should have feet of clay; only to reform that and all will be well. The king will exercise his prerogative, the peers their privileges, in dignity and security, and the rights of the people will be defended by spotless representatives. The Lords will reject such bills as in their wisdom they disapprove, the king will get back his long lost veto, and make use of it by the advice of ministers who may or may not be members of parliament, worthy unsalaried men, chosen like the bishops among the primitive christians, for their wisdom and sanctity. There would be no discord, no wars, hardly any taxes; there would be no useless talkers, called orators, no over-grown pirates and plunderers called generals, and admirals; no Pitts, no Nelsons, no Wellingtons. There would be no underhand influence, no corrupt sympathy between the two Houses, and between them and the throne. All things would be transacted, plainly simply, and openly,—each body of which the legislature is composed, would play the part that is assigned to it by the constitution, and never seek to pass its just limit.—Thus far, in spite of reason and experience—of reason which tells us that such an assembly never can exist, of experience that tells us such an assembly, so constituted, and so privileged, as a House of Commons reformed upon the radical plan—never did exist, without absorbing the whole power of the state. We are to imagine to ourselves five or six hundred persons, each with twenty or thirty thousand constituents at his back—no indolent, no contemplative, no retired persons among them; no persons that thought, and dared to act as if they thought, that the people can be better served, than by immediate compliance with the popular wish; all active, and enterprising,—able, or making up for the want of abilities by those arts that so commonly supply their place in a democracy—without a single moment for pause, or reflection; dividing their feverish years betwixt debate and canvass—without dignity, without security—constantly catching at a trust that escaped too fast from their hands to be exercised with firmness, or wisdom,—bidding away at a perpetual auction of popularity, the happiness of the very people, whose favour they were to court. And this is an assembly that would respect laws and customs—the imaginary barrier of a constitution; that would be content to take one third of the power of the state, and leave the other two to be peaceably enjoyed, by an hereditary monarch, and a privileged order! an assembly that must never be behind the people in any violence—every individual of which, must tremble for his political existence whenever he did not anticipate their follies, and outrun their madness; which would be affected by the popular feeling, as the most delicate thermometer is by the surrounding air. It would be formidable enough in its ordinary operation, and its natural temperature, but when raised to blood-heat in the storm of enthusiasm, there is no cruelty, no violence, no absurdity, to which it might not be transported. And does any man believe that such an assembly would allow, or that it could allow, its commands to be disputed by the king, or by the House of Lords? No, Sir, it would quickly be discovered, that if the people had a right to be equally represented, they had also a right, to have the will they expressed by that equal representation, implicitly obeyed;—and to say the truth, I should not much object to the justness of the conclusion then, though I object most strongly to the unfairness of disguising it now. So long as the King and the Lords suffered themselves to be carried along by the tide, their insignificant existence would be tolerated by their masters; but the first refusal to register an edict, would disclose the real state of the government. Then would come the time for speaking out; then would the "arcanum" of the democracy be disclosed; then we should be told, that nothing could be more absurd, nothing more monstrous, than that the king—a solitary individual—that the Lords, a few lazy aristocrats, should be allowed to oppose their interest, or their caprices to the authentic will of the people; that nothing could be farther from the intentions of those great and wise men, that had planned this happy change, to whom thanks were due, not only for their courage and exertions but also for their prudence, not dazzling at once with full glare of revolutionary light, eyes that had been weakened, by long confinement, in the prisons of the old corrupt government, but in letting it in upon them cautiously, and by due degrees; but concealing from them, till the very last, those grand conclusions that must now appear to be clearly, and irresistibly deduced from established premises. Then standing upon the very brink of a democracy, to which they had led us by sure, though circuitous steps, they would turn round and laugh at those that were affrighted at the leap they were about to take. Now they are loud, and zealous in their professions of loyalty, and attachment to all the uncorrupted parts of the constitution, and treat any doubts upon those points as foul, malignant calumnies; then they would claim credit for their ingenuity, and glory in that pious fraud, which had imposed upon their follower, and defeated their adversaries. Before such a concentration of force, the monarchy and the aristocracy would disappear, like chaff before the wind; and perhaps the best thing for themselves, and for the country, would be, that they should yield without trying the event of a sanguinary, but ineffectual struggle.

The great and civilized state, of modern Europe, which is alone fit to serve for an example, affords us but few instances of an assembly, composed according to the principles of radical reform;—one example, however, it does afford. The assembly in question, was, I believe, in all respects, as far as law could make it so, the very fellow to that which the radical reformers wish to substitute, for the English House of Commons. There had been indeed at first, some talk about limiting the right of voting to persons possessing a certain property; but it ended in a strict conformity to principles, and the consequent establishment of universal suffrage. And what was the result; was there any thing in the conduct of the assembly so constituted, that can be to us an object of imitation, or envy?—Did it contribute to the happiness, or the glory of the country, in which it was established? or, since economy is the other great cry of the moment, did it husband the resources, and diminish the burthen of the people? That assembly was the National Convention of France—an assembly which it would be superfluous to characterize by any epithets of reproach, since the very name of it has become a bye-word among men, and suggests at once all that is most monstrous in cruelty, prodigality, and criminal ambition. I think too highly of the honesty, justice, and good nature of the people of England, to believe that any assembly, however chosen from among them, would equal the guilt, and shame of that infamous body; but still it is proper to recollect, that they were chosen from a great, and civilized people, and that in its form, and in the principles, upon which it was composed, it was the image—perhaps the model,—of a reformed House of Commons; and that this singular union of desperate and flagitious men, was brought together by the choice of the people, expressed in universal suffrage.

The hon. baronet has spoken as usual, with great bitterness, and indignation, upon what are commonly called the rotten boroughs. He and other gentlemen, who entertain similar opinions, usually take for the foundation of their statements and reasonings, the celebrated petition, prepared by my right hon. friend opposite, in the year 1794, and which, he will, I hope, pardon me for saying, savours much of the doctrines that were afloat at that disastrous period, and from the contagion of which the "Friends of the People," did not wholly escape. It is a sort of argument "ad verecundiam." "We can prove so and so, and will you then venture to set your faces to so scandalous a system?" Now, Sir, I must at once confess, that this is a point upon which I am altogether shameless, I will not consent to argue this question upon any principle of extenuation, or apology. I will not say, that it is an abuse, but that it is so interwoven with the sound part of our system, that it ought to be endured on account of the danger we might incur by removing it. No, Sir; if it is an abuse, it is an enormous, intolerable abuse, and the danger of change is nothing compared with the mischief, of allowing it to continue. But, Sir, I have the misfortune to think it no abuse at all, and to consider the borough system, as it now stands, to be an essential part of the constitution of this country. I value that part of the representation just as much as any other, and I would just as soon part with Yorkshire, as I would with Old Sarum.

The reasons upon which the defence of that system stands have been so often and so ably stated, that I am almost ashamed to trouble the House by repeating any of them; besides, they are so numerous, that the choice even is difficult.

In the first place, by the practice of our constitution—a practice against which I have never heard any valid objection—parliament has become a species of profession;—gentlemen may criticise the expression—but I mean it has become that which requires peculiar studies, and the devotion of a life in those that rise to eminence, and conduct the affairs of the country. It is a task that requires abilities of the first order, exercised and cultivated by continual attention and care. And how are we to expect that labour and that devotion, if the system is not such as will afford a reasonable certainty of a permanent political existence to the persons that engage in it? Men of the highest character and talents may become unpopular —nay, for a time, they may become odious; and is it fit that on that account they should be completely expelled from political life? or, what is still worse for the public, that they should be obliged, in order to avoid becoming odious, and in order to preserve to themselves the means of exertion and display, to court the people in opposition to their own opinion and to the interests of the people itself? And in this view the borough system has a salutary effect upon the representatives of popular places themselves, as those among them that are playing a great part in public life, are by that means rescued from that state of vile dependence upon the temporary will of the people in which they would be placed if there were no such refuge. To a certain point they will go, but that limit they will not pass, because they know that it is not in the power of their constituents to put to them the alternative—too trying perhaps for human virtue—of compliance or of expulsion from public life. And well it is that they should not have that power, to which some of the most eminent men that this country ever produced would have fallen victims. I am not going to discuss the history of old political disputes, nor to inquire who was right and who was wrong in those circumstances that have at different times, within the memory of man, occasioned some of the most distinguished persons in this country to lose their elections for popular places. The only question is, whether or not it was right that they should retain a seat here—whether or not the law, the constitution, the general interests of the country, suffered by their having an opportunity to plead their own cause, and assert their own principles. That opportunity they had under the borough system: that opportunity they would not have had without it: and we have gone a great way towards the defence of that system, when we have shown that (as was undoubtedly the fact) such men as Mr. Burke, Mr. Windham, and lord Howick, owed to it seats which they would not otherwise have enjoyed in the legislature of their country.

In a reformed parliament—I mean a parliament reformed by the destruction of the boroughs—two descriptions of persons only would find a place—persons standing upon their local interests, and those to whom, from whatever cause, some share of popularity was attached—proprietors and demagogues. The question then is, whether these are the only persons that ought to have seats? and whether, under such an arrangement, all orders and interests would be as well represented as they are now? I confess I am astonished to hear such a doctrine in the quarter from which it sometimes proceeds. Do gentlemen really think that electioneering is the pursuit that is most calculated to enlarge or elevate the mind? For my own part, I cannot help thinking, that the youth of many of these whom I see around me was much better spent in acquiring those accomplishments, and treasuring up those vast stores of knowledge, which now adorn and enlighten this House, than in the obscure and vexatious labours of a canvass, and in devising means to recommend themselves to this or to that body of electors, in any of the six hundred and fifty districts into which the country would be parcelled under the new system. What the result might have been I do not presume to conjecture; but this much I am sure of, that if they had succeeded to the utmost of their wishes, we should have had far less valuable members of parliament than we have now the advantage to possess. Of this too I am sure, that neither towards them, nor towards any other men of talents, the constitution of this country is delinquent. They may rise as soon, they may rise as high, they may rise by as honourable means, as under any form of government that human wisdom could devise, or human virtue could carry into effect. But then there are gentlemen here who will tell me that this is not the sort of reform they have in view. What they want is something safe, something moderate, something quite free from all those objections that they admit are applicable to such wild projects as annual parliaments and universal suffrage. To them therefore I shall now address myself. But before I proceed, I must beg to be indulged with one or two remarks upon the situation in which the two classes of reformers stand with respect to each other, and with respect to us, a situation so whimsical, that I am utterly at a loss to account for it. It cannot have escaped any person that has attended to what has been going on for some time past in England, that the radical reformers on every occasion treat the moderate reformers with the utmost scorn and derision; that they not only undervalue their judgment, but they call in question their motives: and on the other hand, the moderate reformers behave themselves with all imaginable charity, and even submission, towards the radical reformers; and lose no opportunity, whenever that is possible, of making common cause with them, and approach them, whenever they can, in humble guise, to pick up a few crumbs of popularity that fall from their overstocked table. In point of opinion upon the matter in discussion, they approach much nearer to us than they do to their radical friends; for though it is very difficult to understand what they really mean, yet I presume one may do them the credit of supposing, that if it were put to them whether they would have the British constitution as it now stands, with all its imperfections on its head, or have recourse by way of remedy to annual parliaments and universal suffrage, they would prefer things as they now are to so formidable a change. But it is a singular circumstance, and much to be deplored, that though we have the benefit of much greater proximity of opinion, all the feelings, all the inclination, all the patronage of these gentlemen, are given to those that recede from them so much farther than we do, and espouse doctrines, with the danger and absurdity of which they are so thoroughly aware.

Again, Sir, I must remark, that though the great ground of their complaint is, that the people are imperfectly and inadequately represented in parliament, yet that the people are in fact never so ill or so unfairly represented as by those that ask for what they term a moderate reform; who ask it in the name of the people, by whom they were unauthorized from the very beginning, and by whom they are disavowed at every step. Moderate reform! Who is it that asks for moderate reform out of this House, and out of the immediate influence of persons sitting here, and in another assembly very near us? Nothing is more evident, than that the people of England are divided into two classes upon this subject; the majority—an absolute numerical majority, I believe, and certainly an immense majority of the property, knowledge, sense, and good disposition of the country—in favour of the constitution as it is; and an active, and powerful clamorous minority, strengthened very much by the temporary distress and discontent of this particular period, who are for going all lengths, and establishing what, under the name of a monarchy (and how long it would keep that name is very uncertain) a democratical republic. The hon. baronet opposite, or rather the noble lord, for he seems to be the highest bidder, represents a large share of public opinion; my right hon. friend, the member for Peterborough, who sits below him, represents a much larger; but the gentlemen who talk of moderate reform represent nothing and nobody, or, at best, a few places under the influence of the great proprietors, and here and there a few benevolent whimsical speculatists. Moderate reform is not a popular thing; it is considered—to borrow from a vocabulary with which we have of late been made too familiar—only as an imposture of one of the oligarchical factions. If a moderate reformer were to venture into such a meeting as one of those which have been lately held in some of the large towns, I have no doubt that the quantity of popular hatred, as indicated by the usual exponent of interruption, clamour, and abuse, would be found greater against the moderate reformer than against the anti-reformer. An hon. and learned friend of mine who usually sits opposite, can tell as well as any man what is the reception prepared for persons, even of the first rate character and abilities, who venture to appear in such company with no other recommendation than that of being moderate reformers. The people are either wholly perverted, or quite sound: either duped by a specious, but absurd and mischievous theory, or attached to an ancient and salutary usage. There are some persons against the constitution: there are others, and, thank heaven, a great many more, that are for the constitution. But this motley sect has no hold or influence whatever upon the country. The possibility that their project might lead to further changes, and to greater mischief, is the only thing that rescues it from the contempt of both parties, and recommends it to the hatred of the one, and the countenance of the other. Most people are of opinion, that this building, which has sheltered us so long, so completely, and through so many storms, ought to be kept up just as it is, and just as it has been. There is another party too, whose number and force I am not disposed to dissemble, though I am unable to estimate it precisely, who say that it is a clumsy, irregular fabric, utterly unfit to answer the purposes for which they pretend it was constructed, and that it ought to be pulled down and built up again after the plan of some French or American architect; but as to those that are desirous of tampering with the edifice upon some petty notion of his own, and who propose to put up a sham window here, and to stick on a bit of false gothic there, or to illuminate it with a noxious gas at the risk of poisoning all the inhabitants, they form an almost imperceptible minority in the country. They are neither believed nor understood; and the only safe, the only respected partisans of moderate reform are to be found within the walls of this House, where they are screened by the authority which their conduct tends to impair against the people of whose cause they are the self-constituted, disavowed, distrusted advocates. Let me not be so far misunderstood as that I should be accused of maintaining, or even insinuating, that because moderate reform is not popular, that it must therefore be wrong. But what I wish to notice is, the inconsistency of popular men asking in the name of the people, for that which the people do not want, and offering or complaining that parliament is not a fair echo of the public opinion, as a ground for a measure in favour of which there is no public opinion whatever. If when they are asked for whom they appear? They say for the people of England. I shall deny the fact. Let them show their brief, and we shall see that it came from their old client the whig aristocracy, of which I speak with all imaginable respect, (on account of their admirable conduct in the reign of queen Anne,) but which is not the people of England—the suffering people of England, who either acquiesce with meritorious patience under their misfortunes, or who, where they ask any thing, ask for that with the real nature and consequences of which I am persuaded they are quite unacquainted, for a complete and fundamental change in that constitution which showers down upon them the glories of freedom, security, and power, whilst they are denying its principles and cursing its existence.

In order, Sir, to convince the House that I have not given an exaggerated view of the projects of the radical reformers or of the notions they entertain with respect to moderate reform, I beg to read to them a very few sentences from a book that was put into my hands only late in this very morning, which I therefore have not had sufficient time to go through, but which appears to be highly curious and instructive. It proceeds from the pen of a gentleman whose name must be familiar to most of those before whom I have the honour to speak—an author of no mean reputation or ability—I mean Mr. Jeremy Bentham. The very title of it conveys no bad notion of the spirit in which it is written. It is called "Plan of Parliamentary Reform," &c., with an introduction, showing the necessity of radical, and the inadequacy of moderate reform. The title of the third chapter is "Causes of the above, and all other Mischiefs; particular Interests, the Monarchical and Aristocratical, adverse to the universal—their Ascendancy." Of the fourth, which is a sequel to it, "Sole Remedy in principle, Democratic Ascendancy."—Of the fifth, "Remedy in detail—Radical Parliamentary Reform."—Chap. 9. "Honourable House incorrigible.—10. Abdication more truly predicable of Honourable House than of James 2nd.—*Quere*, as to Forfeiture."—In page 55 of the Introduction, we find this honest avowal of the real object of radical reform, "but for the English Constitution democracy, the only democracy worth the name never could have been known. Oh rare English Constitution!—there, there is thy greatest, there thy only lasting praise.—Balance equality! no: I cannot say equality, when what I mean is ascendancy.—Palsied would be this hand, motionless this pen, if for the first time in a life, already of some length, it were to attempt deception." Chap. 16 is headed—"Moderate Reform; its Arrangements; their Inadequacy."—In chap. 18, he considers those party interests that he deems hostile to adequate reform. I will read one passage which is somewhat curious. The House will observe, that as Mr. Bentham has adopted a very whimsical system, he has also invented for it a very peculiar language—a sort of jargon, which, however, like the "*lingua franca*," bears a sufficient resemblance to known languages, and the ordinary grammatical forms, to be intelligible even to those that have not made it their particular study:—"In the first place, as to waste and corruption—corruption and waste—of the tories it ever has been and ever will be the interest to keep that portion of the substance of the people which is expended in waste and corruptions as great as possible; so of the whigs likewise; under non-reform this quantity will be left untouched—under moderate reform the reduction in it, if any, would be *minimized:* under radical reform it would be *maximized.*" There is a great deal more to the same effect, but I forbear troubling the House by reading any more. Still what they have heard, must be considered as throwing some light upon the real nature of radical reform; and the disposition of the radical reformers, both towards the constitution, and towards their moderate brethren; and however we may most of us differ from this ingenious gentleman as to the objects he has in view, we must all feel grateful to him for his candour in explaining them.

But with respect to the intrinsic merits of moderate reform, what evils do gentlemen pretend it would have prevented in time past? What do they think it would hinder for the future? I say this, because I consider them as excluded from the theoretical view of the subject, which would carry them the whole length of radical reform, and which, in fact, they have repeatedly, and I believe sincerely, disclaimed. They say it is necessary, in order to lessen the influence of the Crown. Now, Sir, this argument implies the truth of three positions—one of which I conceive to be doubtful—the other two false. The first is, that the influence of the Crown is too great. The great difference of opinion that prevails upon this point quite bears me out in treating it as doubtful, though I confess the leaning of my own mind is towards the affirmative. The influence of the Crown arises from two sources, office and establishment. That which arises from office is, I am convinced, not more than is absolutely necessary for the carrying on of the government. It is that arising from establishment which I suspect is too great. I say I suspect only, for it is quite obvious that this is not the moment at which it is possible to form a correct judgment. All notions derived from the war establishment must be very wide of the truth, and in order to come to a sound opinion, it will be necessary to see what is the permanent establishment in peace, and to watch its operation. At this moment the influence of the Crown derived from establishment must be below its usual average. A great establishment in a course of reduction, is a less abundant source of influence than a much smaller one that is gradually rising, or even stationary. Ever since the peace, the Crown, instead of acts of bounty and grace, has been limited to stern duties of retrenchment and denial—most just, I admit—most necessary—most indispensable; but still harsh, still painful—but productive of any thing besides influence. The duty of retrenchment is so obvious, that the government is never thanked for the performance of it; nay, it is too happy if it escapes being complained against for not carrying economy far enough. But that which fails in obtaining the good-will of the public, insures the dissatisfaction of the individual; so that, whilst the advisers of the Crown are assailed on one side by the open collective clamour of those who, after all the reductions have been made that the public safety will admit, still ask for more;—on the other, they are persecuted in detail by the complaints of thousands of its dismissed, indigent, and discontented servants. But I am quite content to forego any benefit I might take from these circumstances, and to argue upon the admission that the influence of the Crown is too great. But then it remains to be proved that parliamentary reform would diminish that influence. No doubt radical reform would diminish it by speedily abating that nuisance called the Crown itself. No more effectual way of removing a branch can be devised than to cut down the tree. But all the plans of moderate reform that I have ever seen, would tend to diminish the influence of the Crown where it ought to be maintained, and to support it where it ought to be kept in check. They would diminish that regular and systematic—I will not say opposition to—but watch over the measures of government, which is one of the most valuable parts of our present system, and substitute for it long periods of blind confidence, interrupted now and then by fits of unreasonable jealousy and imitation. The fact is, that (unless when the right of voting extends to a very numerous class indeed, and where you are, in consequence, encountered by all the evils of mere mob election), large bodies are by no means models of purity.—Influence finds its way to the constituent quite as readily as to the representative, and a member of parliament, though uncorrupt himself, yet, acting under the influence of influenced constituents, is just as little to be depended upon as if he acted from motives of personal advantage. But even admitting first, that the influence of the Crown is too great, and next, that parliamentary reform would diminish it, still does it follow, in the third place, that it is the most prudent and efficacious mode of attaining that object? Does an inroad upon the very frame and constitution of parliament, come first in the order of remedies? Ought we not to have exhausted all other means before we have recourse to so desperate an expedient? Ought we not to try every revocable before we venture upon an irrevocable step? Ought we not to employ every resource that legislation can supply before we attack the legislature itself,—publish a libel upon ourselves and upon all preceding parliaments, and come before the world with an open acknowledgment of incapacity and ill-faith? If the influence of the Crown be too great, let its patronage, the source of that influence, be diminished; but whilst a single office remains that can be abolished—whilst a single salary remains that can be reduced—whilst a single establishment remains that can be pared down, let parliament go untouched. Do gentlemen think they can stop at moderate reform? Do they think that would content the great body of the reformers out of doors? Will the hon. baronet who moved this question, say, that it would satisfy him? What would be the first motion made (probably by himself) in the moderately reformed parliament? Why, for radical reform. He, and those that think like him, would say, "This is well enough for a beginning, and much more, perhaps, than we could have expected from the members of an assembly so constituted as the old House of Commons; but still we must recollect, that it is but a beginning; that if ever they were compelled by a sense of shame to do so much, it is incumbent upon us that have been chosen upon somewhat better principles to do more." Such an argument would hardly fail of success. We should have another House of Commons, and then perhaps (by a still easier process) another, till, by a series of successive epurations (to use the modern phrase) we should have established the "democratic ascendancy," which Mr. Bentham already so earnestly and so honestly asks for. Moderate reform is only the sharp end of the wedge which, if it is once insinuated into a cleft, will soon be propelled by a force sufficient to rive the proudest oak in the whole forest.

Then comes another mode of argument of which much use has been made by the petitioners. They put together all the grievances, real or fancied, under which the country has suffered from the beginning of the French revolution, or even from an earlier period; and then they at once infer that the government has been corruptly or unwisely administered, and that the constitution ought to be changed. Now, first of all, it is by no means proved that there is any constitution human ingenuity could devise that would be capable of securing us against all the mischiefs and disorders hitherto incident to civil society in its best form, not even if we were completely insulated from the rest of the world, and left to enjoy undisturbed the fruits of our wisdom and virtue; but in a nation whose connexions with foreign countries are so close, so extensive, and so complicated, it is quite monstrous to infer the guilt of the government, or the unsoundness of our constitution, from the suffering of the people. —If one were to listen only to them one should really think that we had fallen upon a time naturally composed and fortunate; that we had gone out of our way to seek wars and to create expenses, and that the rest of mankind had lived peaceable and happy, except so far as they had been disturbed by the ambition and folly of England; instead of being destined as we have been to witness one of those tremendous convulsions in the moral world, which happening at long intervals, shake the whole frame of society to its very foundations; drag the strongest and most reluctant powers into its vortex, when new principles are established, when a new date is made in the history of the world, when the memory of former times fades away before the glare of passing events, and the awful prospect of futurity, and when the unfortunate race of mankind pay before-hand in terror, in discord, and in blood, the price of any advance they are destined to make towards knowledge and freedom. Such a period was the reformation; such a period was the French revolution,—fatal to many, dangerous to all the parts of the great European common-wealth. And then, Sir, when it is past, we are told by great authorities that the English constitution stands in absolute need of amendment, because it alone has been found capable of adapting itself to all the successive exigencies of this long and searching trial; because England is only safe, only glorious, only triumphant, only the guide and arbitress of nations, because she is the single nation in the whole compass of the civilized world that in some vicissitude or other of this awful struggle, has not drank to the very dregs the bitter cup of humiliation; because she alone, though she counts many days of distress and peril, counts no day of despondency, no day of submission—none that she can wish blotted from her annals,—none that can teach posterity to look back with less respect to their ancestors,—none that can lighten the weight of duty that will be devolved upon every one hereafter to be born in these islands,—none that can tarnish the bright inheritance of glory bequeathed to him not only by our armies and our navies, but by English sovereigns, English ministers, aye, and by English parliaments in this age.—This is the situation into which the country has been brought by its present constitution, these are the blessings, this is the glory that we have enjoyed under it. Against them is to be set a severe, but I trust temporary difficulty. Sir, I am as far as any man living can be, from undervaluing the distress which prevails at this moment. It is not as a mere phrase of course, not as a mere passing acknowledgment to the ordinary feelings of humanity when I say that I pity the sufferings of the people; still less is it because we are, humanly speaking, exempt from the probability of that extreme misery which has fallen upon so great a part of the country, that we should therefore come here, unmindful of what others endure, to support a mischievous and profligate system. No, Sir; the severity, the acuteness, the detail of that wretchedness are present to my imagination, and afflicts my heart even now that I address you. They are more entitled to attention and sympathy on account of the manner in which they have been borne. There are still discontents, there have been excesses; but I speak of the great mass of the population, and they have borne their misfortunes, not with the callous patience that belongs to ignorance and slavery, but with the enlightened fortitude of a free and high-minded people, who, in spite of all the pains that have been taken to mislead them, well know how to distinguish betwixt those misfortunes which arise from the folly or wickedness of their rulers, and those which are to be ascribed to the visitation of Almighty Providence in the inevitable march of human affairs. But in my view of the case, it would be trifling, it would be worse than trifling, with the sufferings of those whom we intended to relieve, if we were to adopt the measure that is proposed without being a great deal better satisfied than we can now be of its efficacy or even of its innocence. The public difficulty arises in part from taxes rendered necessary by a long and expensive war;—I say partly, because it is clear to demonstration that they are not to be wholly imputed to that cause, since the country was never in a state of greater apparent prosperity than in the last year of the war when the taxes were much higher. But in what way would a reformed parliament have prevented the accumulation of the public burthens? To establish that position, it is necessary to prove, or at least to render it probable, that we should have adopted a different line of policy, and that this policy would have succeeded. I do not see the smallest reason for supposing either. By as much as the reform made this House represent more correctly and immediately the opinion of the country, by so much also would it have diminished the parliamentary opposition to the war. Never was there a war more completely national; never was there a war which it would have been more impossible to carry on without the aid of a sincere, well-weighed, deep-rooted conviction of its necessity, prevailing through every part of the country.

There was indeed in the course of that long contest, from which we are just emerged, a period of languor and of doubt as to the necessity of continuing the war. And what was the consequence? Was it that the ministers, supported by a corrupt parliament, were able to persevere in opposition to the public will? No: the result is well known. They were compelled to make peace; and it was not till a sufficient experience of its hollowness and insecurity had reconciled the people to the long course of sacrifices in which they were to be engaged, that the government, with the full approbation of parliament (never more than in that instance the genuine representative), again unfurled the standard of England in a struggle against the insolence and aggression of France. And then, Sir, we are told, that this was the war of the jobbers and the borough-mongers. If I belonged to either class of persons, I should court the imputation. They might say, as a great man of antiquity says, speaking of the death of Julius Cæsar, of which he had been accused by his enemies—I was not concerned in it; you know I was not: nothing can be more absurd than to impute it to me: but you tempt me to indulge my vanity at the expense of truth. Be it so then, and let posterity believe that I advised that noble deed. "Quæ enim res unquam, non modo in hac urbe sed in omnibus terris, est gesta major, quæ gloriosior, quæ commendatior hominum memoriæ sempiternæ?" And so should I say, were I speaking for the borough-mongers and jobbers; but speaking for the people of England, I cannot consent to sacrifice their share in a transaction that has crowned its authors with immortal glory. Parliament was only the image and the instrument of those great qualities of wisdom, magnanimity, generosity, and perseverance in this nation, which bore it through that long contest, and placed it at last upon that pinnacle on which it now stands.

Would another line of policy have succeeded better? That is a question to which, from its very nature, it is not easy to return an answer; but it would be still less easy if the policy of England had been the same policy as was pursued by every other nation, and consequently the only one of which we had experienced the result. But the systems adopted towards revolutionary France, were almost as many in number as the countries that had to deal with her. Peace was tried, submission was tried, and we have seen the effect in violated treaties, in oppressed provinces, and in plundered capitals, and in the universal prostration and disgrace of the whole continent of Europe. We have seen it in pacific Swisserland, in neutral Prussia, fraternizing Holland, and submissive Spain; and it was at last, only by adopting English policy, and forming a league under English auspices, that they were enabled to recover their independence, and retrieve their honour.

And yet, it is upon the history of the last five-and-twenty years, the brightest period in our annals, and perhaps in those of any other country, that an argument is founded for a fundamental change in the form of our government. Sir, I cannot believe that the people of England concur in this censure upon their own character, and their own conduct. I cannot believe, that, looking back deliberately upon what is past, they are inclined to lament that a system of compromise, and of abasement before France, was not pursued. I cannot believe, that, even at this moment of distress, they wish that no resistance had been made, and that no triumph had been gained, or that they envy the lot of those nations that followed the pusillanimous line of policy they always had the firmness to reject, and who were forced, under the last of their Jacobin task-masters, to make greater sacrifices in order to aid them in rivetting the chains of Europe, than have been required of us in accomplishing its entire deliverance. I cannot persuade myself that, after all they have been told, they repent of their wisdom, or are ashamed of their honours. If, indeed, they did entertain such sentiments, I should admit that a more proper groundwork could not be chosen for the measure than is now proposed. The destruction of our constitution, and the surrender of our national happiness, could not begin under more just and legitimate auspices than by an abrogation of our national glory. Then, and not till then, will England be fit for this reform, when she laments the counsels of her statesmen, and the victories of her warriors; and the execution of it had best be left to those friends to their country, who regret that the English monarchy never bowed its head to republican or to imperial France—to those friends to freedom, who still mourn over the downfal of a despot in the day of Waterloo.

Before I conclude, Sir, I am desirous to say a few words, by way of vindicating myself, and those that think as I do, from a doctrine that has been frequently, and most unjustly, imputed to us. It has been said, and I have myself been told within these walls, that we are enemies to all innovation. Now, as that is not my opinion, and as it is, on the contrary, an opinion which I despise for its childishness and hate for its mischief, I am naturally anxious to disclaim it in the most clear and authentic form. Undoubtedly, Sir, there are persons who unfortunately do entertain that opinion, who resist all innovation, because it is innovation; and it is also quite clear, that as parliamentary reform is an innovation, we must have the advantage, such as it is, of their aid in opposing it. Just in the same way gentlemen on the other side, who are desirous of a partial change, are supported by those that are desirous of going a great deal further, and who in fact aim at nothing less than the subversion of the whole government. But as we do not impute to them the designs of their Jacobin allies, they ought to render to us the same justice, in not imputing to us a principle, which is as unnecessary to our argument, as it is absurd in itself. I do not object to parliamentary reform because it is an innovation, but because it does not fulfil the conditions that are required, in order to entitle an innovation to support a grievance on the one hand, and a fair prospect of remedy on the other. If, instead of being a subject of this free monarchy, or a citizen of this free commonwealth—call it which you will—I had the misfortune to live under a barbarous and despotic government, I should treat the general argument against innovation with as little respect as it could be treated by any of the gentlemen opposite. Nay, I confess, that the opinions I entertain with respect to many of the actual governments of Europe, are such as would subject me to a charge of Jacobinism from that class of politicians that are interested in maintaining them. There indeed I should laugh with scorn at those that should tell me that a free constitution is a dangerous experiment. The French revolution, conducted by faithless or unskilful hands, was an unsuccessful experiment; or, to speak more accurately my own opinion as to that great event, too costly a one. But what was the reign of Philip the 2d in Spain—what was the reign of every other despot? Something far worse than an experiment—the obstinate renewal and continuation of a system, the folly of which is attested by the darkness and calamities of whole ages, and by the degradation and sufferings of the far greater part of the human race. And therefore I am clearly of opinion, that neither the dread of innovation, nor the example of the French revolution, ought to deter any nation, where an abusive and tyrannical form of government still prevails, from endeavouring, by repeated trials (if it be necessary) to shake off the yoke, and to place themselves somewhat higher in the scale of happiness and dignity. Unlike us, they have much to gain, and little to lose. The prize before them can be won only by perils and by struggles. This is a condition which heaven seems to have annexed to the attainment of so great a blessing. Freedom is, I am afraid, a plant which, whenever it has thriven in perfection, has been watered by blood and by tears—"pater ipse colendi haud facilem esse viam voluit;"—but it is well worth it all; and those that engage in such a struggle, act not only generously, but wisely. But in a country where freedom is already established upon an immovable basis—where an organ for expressing the public opinion already exists, which has never yet failed of the purpose to which it was destined—there I object to innovation. Those principles which are applicable to other countries, do not belong to our situation. We are first in the race. We look back with triumph to those struggles, to which the stoutest heart among them may look forward with anxiety and dread. We have not our liberty to acquire; if we say we have, it is a libel upon our forefathers, who founded it by their labours—who paid for it with their lives; from whom we received it, a rich, a noble, and as far as any human institution can deserve that epithet, a perfect inheritance. When I read the history of this country—when I consider in how long a course of ages, against what obstacles, by what labours, by what chances, our constitution has been established—I tremble at the thoughts of a change—not in our laws, for if we make bad laws, we can annul them—but in our legislature itself—but an irrevocable change, and perhaps therefore an irremediable evil. I dread a change, which, by throwing the machine off its balance, might derange every motion, and bring it, within no long space, into a state of inextricable confusion and ruin.

Sir *Samuel Romilly* said, that though he presented himself to the House immediately after his hon. friend, he had no intention of following him through all the topics of his able and elaborate speech, which seemed to have anticipated a course of debate that had not taken place, and to have been prepared to answer arguments which he must have been disappointed at not hearing used. There were some of those topics, however, to which, if he possessed one faculty in as eminent a degree as it appeared his hon. friend did,—that of *memory*—he might give a complete answer, even with a degree of eloquence equal to his hon. friend's,—nay, with his own eloquence, and in his own words: for he would only have to repeat the speeches which his hon. friend had delivered in that House, in the course of the war, censuring in the strongest terms the blunders and the misconduct of those ministers, whom he now so highly extolled. The House could not but recollect his memorable speeches upon the Walcheren expedition, and the Spanish campaign.—The hon. gentleman had enlivened his speech by quoting a book which he said he had not read, and, as it should seem, for no other purpose than to produce a few lines, in which the conduct is condemned both of Whigs and of Tories. For such a purpose no one could be more happily selected than the hon. gentleman, since no one could be better qualified to cast indiscriminate censure on both parties, than he who had passed a great part of his political life in censuring with Whigs the mal-administration of Tories, and now distinguished himself in the ranks of the Tories, by his sarcasms and censures of the Whigs. For the author of that book he entertained the highest respect, and the most sincere and intimate friendship. He was a man of the greatest talents, and of the purest integrity, and who had devoted a long life to the advancement by his valuable writings, of the best interests of mankind; but of the work in question he would only say, that he could not agree to the opinions it contained, and he greatly lamented that it had ever been published.

Without entering fully into the question of parliamentary reform, which had been so often discussed, that little that was new could be said upon it, he should content himself with saying, that he should most cordially vote for the motion. He gave that vote from a most sincere conviction that some reform was necessary, and he entertained no hope that he could gain any popularity by giving it; on the contrary, he knew that he was rather likely to draw odium upon himself, by those who most influenced the public opinion; for he could not suffer this opportunity to pass without saying, that he was no friend to universal suffrage, or to the making the right of voting in elections co-extensive with taxation, or even to annual parliaments; but from an early period of his life, long before he had had a seat in the House,—from the time when he had in the gallery witnessed its deliberations, and had heard Mr. Pitt with the generous warmth of youth, and with the same eloquence as distinguished his maturer age, pleading the cause of parliamentary reform, he had been deeply impressed with the expediency of it, and every thing which he had since observed, and more particularly since he had himself become a member, had only served to strengthen that impression.

The right hon. and learned gentleman had said, that Mr. Pitt had, in a more advanced period of his life, corrected his opinions on this subject; he knew not what authority he had for saying so; Mr. Pitt had never avowed such a change of opinion, and though he had no admiration for that distinguished person, the principles on which he acted in his long administration having, in his opinion, ill corresponded with his outset in public life, yet, upon this particular subject, he could not but consider the statement as a slander upon his memory. Such changes of opinion on important subjects, were not so lightly to be passed over. When the public saw men professing themselves loudly to be friends of parliamentary reform, and advocates for the rights of the people, but deserting all those professions, and taking an opposite course when they had got into office, they must ascribe the change to a very different cause than a more mature and sober judgment. Being convinced of the necessity of a reform of parliament, he was also convinced, that no time was more favourable for it than the present. We were in a state of peace. The effects of the bad policy on which government had acted, were at this moment most severely felt: the call for parliamentary reform was general throughout the country; and never, upon any former occasion, had there been so many petitions, or petitions so numerously signed, upon the subject; and though many of them asked much more than, in his opinion, ought to be granted, yet that afforded no reason for refusing them every thing. Even a little obtained in correcting the state of the representation, might, in his opinion, be attended with very important results. If they were only to get rid of two or three rotten government boroughs, very beneficial effects might follow; since extremely important questions had been carried or had been lost by only two or three votes. All, however, that was now asked was, that a committee should be appointed to inquire into the subject, and the very gentleman who expressed much apprehension from naming a committee as if it were to introduce a total revolution, declared that he did not believe that there was one member in the House who had adopted the wild notion of universal suffrage. The right hon. and learned gentleman affected to make very light of the declared opinions of the people; their opinions, he supposed, were suggested to them by unprincipled leaders, and he would persuade the House, that a few demagogues had, by some marvellous but unexplained means, been able to get the signatures of half a million of persons to the petitions on the table; and with all this he professed to respect the people's voice, but not their senseless clamour. That is, in other words, when any popular cry concurs with the opinion or suits the politics of the learned gentleman, as when his friends forced their way into administration by the cry of "No Popery," he respects the people's voice; but when what they call for is only to secure their liberties, and to impose checks on the abuse of power in ministers, it is to be disregarded as a senseless clamour.

The hon. gentleman advised the House to take warning from the French Revolution, and not, by adopting the innovations which were suggested, to draw upon the nation all the same evils as had overwhelmed France. This admonition surely proceeded from a very inaccurate observation of what had passed in France. It was not by listening to proposals of reform, but by an obstinate refusal of all such propositions, that the French Revolution had been brought about. Instead of correcting abuses, the government persevered in retaining them, till they had become so intolerable, that the whole nation revolted against them; and in the universal feeling of disgust and indignation at what had passed, the old government and all its institutions were destroyed. The lesson which the French Revolution afforded was, not to refuse to listen to proposals of reform till the time for reform was gone by, and the calamities of a revolution had become inevitable.

The right hon. and learned gentleman had represented the British constitution as being of so delicate a frame, that the least derangement of it might cause its destruction—the slightest scratch, he had said, might fester, and become a mortal wound. Surely this was a slander on the constitution—it was of a more robust and vigorous frame. When it had survived such innovations as the Septennial act and the union with Ireland, could it truly be represented that it would be endangered by taking the elective franchise from some decayed and deserted boroughs, to give it to the inhabitants of prosperous and populous towns? The view which the hon. gentleman who spoke last had taken of the subject, was perfectly new; he considered the present state of the representation as the effect of design and the result of the wisdom of our ancestors, and not, as it really was, the unforeseen consequences of gradual decay and accident, and as brought about imperceptibly by time, which lord Bacon justly calls "the greatest of innovators." It was with astonishment he had heard his hon. friend declare, that he considered the representation of Old Sarum as entitled to as much repect as that of the county of York. To represent such a deviation from all the principles of the constitution, as the effect of contrivance, and as that which had produced that happiness and prosperity which the right hon. and learned gentleman admonished us not to bring into danger by any change, was to deceive and to mislead us. When the right hon. gentleman talked of our present prosperity, who would imagine that he was speaking at a time when our foreign trade was diminished, our manufacturers unemployed, the agricultural interests labouring under difficulties such as were never known before, the poor-rates increased till it was hardly possible to levy them, our financial revenues exhausted, the nation struggling under taxes which they were unable to support, and the revenue of the state falling far short of its expenditure; and when the greatest safeguards of our liberties—the writ of Habeas Corpus and the trial by jury—were suspended? That such a state of things should have produced general discontent, and should have induced the people to look to a reform of parliament, upon which they had seen such men as Mr. Fox and Mr. Pitt, who were opposed to each other upon most other subjects, united in opinion as a remedy for the evils under which they laboured, was not matter of surprise.

The House would do well to pause before they disappointed all the hopes which had been raised, and refused even an inquiry into the subject. In all their distresses the people had looked up to parliament; they had implored the regent to call parliament together; and it would be greatly to be deplored, if now that they were assembled, they were to refuse to listen to the prayers of their constituents. Besides holding out the danger of innovation, the hon. gentleman alleged, that if once we began these reforms there was no saying at what point they were to stop. This was an artifice always resorted to when improvements of any kind were proposed. Thus with respect to the Catholics of Ireland it was said, if you relieve them from the disabilities of which they complain, they will next require that tithes should be abolished, and afterwards, that their tenets may become the established religion of the island. The answer to these sophisms is, that each question must be decided on its own merits; and that we are not justified in refusing what is expedient and just, because if it is granted, something unjust and inexpedient may be demanded.

He must again repeat, that though he did not go the lengths of many of the advocates for reform, there were improvements in the representation, from which he had no doubt that the happiest results might be expected. Among the first of these was, in his opinion, a repeal of the Septennial act. In the last sessions of a parliament, or when its dissolution was apprehended, the sentiments of the people acquired an influence in it which they had at no other time. Measures which a minister would confidently reckon upon in the first session of a parliament, it became impossible for him to carry when the time for its being dissolved was near at hand. Did any person believe that the property tax would have been repealed, if it had not been in so advanced a period of the parliament's existence? It had been pretended, indeed, that the parliament, as it was constituted, at all times spoke the opinion of the nation;—to refute such a statement, need he do more than refer the House to their memorable resolution upon the Walcheren expedition, to the corn laws they had passed, or to their late vote upon the salt duties. There was one point upon which he entirely differed from the hon. baronet—it was upon the opinion entertained by him that the proprietors of boroughs were to be considered as a kind of oligarchy, which even imposed restraint on the authority of the Crown. He was convinced that, instead of restraining, they greatly increased the authority and influence of the Crown, and it was for that reason that he was an enemy to the present system. The influence of the Crown had been augmented to a very alarming extent, and the present state of borough representation greatly added to it. Honourable exceptions there undoubtedly were—men who exercised the power they had of nominating members of that House from the noblest motives, by appointing persons merely from the good opinion which they entertained of their principles and their talents; but in general those who purchased this species of patronage, bought it like other property, to make the most they could of it; and it was only by ranging themselves under the banners of ministers, that they could make their parliamentary influence lucrative. Thinking this a great evil, and being most anxious to see it corrected, he should certainly vote for appointing the committee.

Mr. *Lamb* rose and said:—

I am unwilling at this late hour to intrude myself upon the patience of the House, but as a considerable interest and agitation prevails, or appear to prevail in the public mind upon this subject, as it is a question of not very frequent occurrence, and as I hope and trust that hereafter it will be proposed even more rarely than it has been heretofore, it is not unnatural that I should be anxious to seize this opportunity of delivering my opinion upon it. Nothing, Sir, which has passed in the course of the discussion of to-night has created more surprise in my mind, than that both the worthy baronet and my hon. friend, who seconded this motion (Mr. Brand) should have attempted to support themselves by the authority of Mr. Burke. The passages which they have cited for this purpose, are taken from an early work, intituled, "Thoughts on the Cause of the Present Discontents," a work published in the year 1770. They undoubtedly prove that he had a full knowledge and understanding of the duty and functions of this House, and that he was impressed with a deep sense of the evil consequences of that duty being neglected, or those functions being ill discharged; but what is their real effect, except to give greater weight and force to the opinion which he afterwards declared, when, this question at the close of the American war being more than once presented for his decision, recommended by great abilities, sanctioned by considerable popularity, and called for, as it was contended, in the same manner as at present by great public distress, he utterly rejected it, declaring the House of Commons, as then formed, to be adequate for every useful purpose, and deprecating the proposed alteration as entirely visionary, and in the highest degree dangerous.

In the course of this debate, we have heard much, as it was very natural that we should, of the numerous petitions which have been laid upon the table of this House, and of the strong testimony they bear of the public opinion and desire upon this subject. Sir, I must at once state distinctly for myself, that when I consider the manner in which these petitions have been prepared and procured, the pilgrimages which have been undertaken for the purpose of promoting them, above all when I recollect the speeches which at public meetings have preceded and recommended them, the gross misrepresentations, the delusive promises, the wild hopes, and the excessive exaggerations under the influence of which they have been voted, I cannot consent to consider them as expressing in any degree the cool, deliberate, well-understood sense of the people of England. I might content myself with going thus far upon this point, but what I conceive to be reason and truth compel me to go somewhat farther. They compel me to state that which I should feel no difficulty in declaring before an assembly of the people, and assemblies of the people I have never shown any indisposition or unwillingness, to meet, but which I do feel some difficulty in declaring in this House. Because the rule which the great Roman orator represents to have guided his conduct appears to me also very fit to be adopted and acted upon by an English member of parliament. "Mihi semper in animo fuit, ut in rostris curiam, in senatu populum defenderem." But, Sir, I cannot so far forget the side of the House from which I am now speaking, nor the transactions of the last thirty years, nor can I so far give up the great principles which we have maintained, nor the conduct both of those who are gone and of those who survive, as to admit that the popular opinion must necessarily be in the right. The people collectively are, like individuals, liable to error—they are subject to be inflamed by passion—to be misled by delusion—to be blinded by prejudice. Morality has no more irresistible arguments than those, by which she warns us of the vanity of human expectations, and the mistaken direction of human prayers, and history is pregnant with examples,

"How nations sink, by darling schemes oppress't
When vengeance listens to the fool's request."

In what I shall say further upon this subject, I beg to be understood as not denying that there may be imperfections in the constitution, and errors in the conduct of this House, nor as pledging myself against the amendment of such errors and imperfections, if the means of amending them can be discovered, any more than against the remedy of any other evil, physical or moral. I am not hostile to alteration or innovation, if it appear probable that they will be for the better. I am against every scheme and device that I have yet heard recommended upon this subject, because I believe not only that the adoption of them will not cure any of of the evils, which at present exist, but will deprive us of many advantages, which we at present enjoy, and produce new evils greater than any which are to be found at present. When my hon. friend, the member for Hertfordshire (Mr. Brand) brought forward his motion upon this subject some years ago, and proposed to extend the right of voting in counties to copyholders, I voted with him upon that question; and if he will now renew that motion, I am ready to repeat that vote. If any measure should be proposed at any time respecting out-voters in boroughs, similar to that formerly introduced by my right hon. friend near me (Mr. Tierney), to the principle of such a measure, I do not mean now to pledge myself to the details of it, I am prepared to give my support. But if upon the strength of such opinions as these I were, in the present state of the public mind, with the principles which are professed and the expectations which are entertained, to give my vote for a committee generally upon the state of the representation, what should I be doing but putting a gross delusion upon the people, and taking to myself a popularity to which I have no right nor title whatsoever.

In the discussions of this question, which take place elsewhere—in the speeches and publications of its advocates, it appears to me that the grounds upon which they rest it are never stated with sufficient exactness and precision. They never clearly distinguish how far they demand it as a restoration of rights which formerly existed, and customs which formerly prevailed, but which have been by fraud or force usurped from them, and how far they recommend it as an alteration beneficial in itself, and rendered necessary by the changes of time and circumstances.—To those who hold that things are in such a state, that every change must be for the better, and that the more complete it is, the greater will be its advantages, it certainly is of very little importance to define upon what principle it shall proceed; but to us, who feel perfectly confident that no advantage whatsoever will result from any measure that may be taken, that the best we can hope is, that things will not be rendered worse by it,—who are assured, that nothing will be produced by it but disappointment,—that no extraordinary reformation is to be expected, that human affairs will hold their accustomed course, that after the adoption of this wonder-working remedy there will be ambition, corruption, intriguing, cavalling just as there was before,—we must necessarily be very anxious to have it clearly defined and settled upon what principle it is that we are to act, in order that we may be able to find some bound and limit, some termination to the course, in which we are called upon to engage;—otherwise, when it is found, as will undoubtedly be the case, that no expectation is answered by a scheme, which has raised such inordinate expectations, we shall be told that it fails, only because we have not carried it far enough; we shall have lost our first argument against all innovation; we shall be embarked in it with nothing to guide or direct us, and shall find no end to our wanderings except in general anarchy and confusion.

The petitions in general speak of the measure as a restoration of rights.—"Restoring to the people their just share and weight in the legislature," are the words of the city of London. Now, to what period are we to recur, in which we may find the people in a more full and free possession of those rights and privileges, than they are at present?—Lest I should fatigue the House, I omit all reference to those earlier periods of our history, upon which the worthy baronet has relied, although his observations upon that part of his subject are liable to remark, and open to reply.—But are we to go back to the origin of the English House of Commons, which commenced in the reign of Henry the 3rd or Edward the 1st, and which continued, according to the worthy baronet, pure and free and constitutional until the reign of Henry the 8th?—Now, I cannot but ask, what temptation is there to go back to the institutions of these times? Wars of aggrandizement and ambition are complained of—the present constitution of this House is supposed to have produced them.—Is it to avoid such wars that we are told to recur to the reigns of Edward 3rd and Henry 5th? Is it to guard against the evils of favouritism, of weakness, of prodigality that we are bid to look to the times of Edward 2nd and Richard 2nd; or is it to prevent civil dissension that we are referred to the example of Henry 6th? The government of this country is charged with a military spirit and with gigantic projects of foreign conquest and continental domination.—Could there be a more gigantic project than that which was conceived and eagerly prosecuted in this pure constitutional era, the project of uniting the crowns of France and England upon the same head, and which, as it was eagerly pursued abroad, was supported by a most severe and fleecing taxation at home?—In short, what calamities, what disasters, what misfortunes, what crimes, are there that afflict and oppress nations, which are not collected and crowded together, one upon another, into that period of our history, which is held up to us as affording a model and example of peace, of liberty, and of happiness?

But is there any truth in the statement of this superior purity? Is there any foundation for these representations? What reason have we to think that the nobility at that period had so much less influence in this House than at the present day? Oligarchy is now the popular word of reproach.—Why, in all human probability, according to all sense and reason, the government must at that time have been much more of an oligarchy than it has been since.—In the first place, the nobles possessed one most essential requisite of an oligarchy in a much greater degree—They were much fewer in number than at present; their possessions were much larger, and the opposing and counterbalancing interest of commerce, if considered in comparison with the weight it has at present in the scale, could hardly be said to exist at all.—I have not examined into the matter very deeply or very accurately, but it appears to me that there are continual traces in this part of our history of a very strong influence being exercised by the nobles in this House; and is it not highly improbable that at a time when their actual power was so much greater than it is at present, when the deference paid to rank was so much more implicit, when the whole nation, from the highest to the lowest, was bound and fastened together in the chain of feudal dependence—is it not in the highest degree improbable that the House of Commons alone should escape the effects of the general condition?

With respect to the parliaments from the time of Henry 8th, bodies, certainly often chosen for the immediate purposes of party, but whom the Tory writers have, to favour their own conclusions, condemned far too universally, and with too little discrimination,—for upon many occasions, as for instance, the popish parliament in queen Mary's time, upon the occasion of the Spanish match, they evinced a truly British spirit, and delivered down most valuable precedents to after times—it is perfectly clear that the greatest influence was exercised upon the election of them by letters to sheriffs, the interference of great men, and by other violent means—and so little is the practice of nominating members to this House peculiar to the present day, that I have myself seen private letters of the time of Charles 1st from friend to friend offering blank burgess-ships to be filled up with any name, the person at whose disposal the seat was placed, might think proper.—I did not myself know what was meant by a blank burgess-ship until in the fourth volume of the work which goes under the name of Tindal's Continuation of Rapin's History, I met with the following passage: the author of it supposes the practice to which he alludes to have commenced in the time of which he was writing, but it certainly was much older—"Instead of drinking and entertainments, by which elections were formerly managed, now a most scandalous practice was brought in of buying votes with so little decency, that the electors engaged themselves by subscriptions to choose a blank person, before they were trusted with the name of the candidate."—Now, Sir, is this the case at present? I am very ignorant of the practices which prevail in this respect; but are they such as are described as having prevailed at the period referred to? Are there many boroughs, which would now endure to be so dealt with? But that nominations, which are now so much condemned, existed at the time of the Revolution, and had existed for a long time before, there stands a complete proof upon the statute book in the act of the 2d William and Mary c. 7, intituled "An act to declare the right and freedom of election of members to serve in parliament for the Cinque Ports," and of which the preamble is as follows; "Whereas the election of members to serve in parliament ought to be free; and whereas the late lord wardens of the Cinque Ports have pretended unto, and claimed as of right, a power of nominating and recommending to each of the said Cinque Ports, the two ancient towns, and their respective members one person, whom they ought to elect to serve as a baron or member of parliament for such respective port, ancient town, or member, contrary to the ancient usage, right, and freedom of elections." Now here are seven members of parliament at once in the nomination of one individual, and that by a usage so old, so established, and which had acquired to such a degree the force of law, that it was thought necessary to pass an act of parliament in order to break into and discontinue it. So much for the question of restoration.—I have very little doubt that the practices, which are complained of as usurpations upon the privileges of the people, have existed in all times, nearly to the same extent as in the present.

It must, however, be also admitted, that these practices, which cannot be denied to have prevailed, have also at different times been made subjects of observation and animadversion. They have been condemned as grievances, and there are, no doubt, authorities in our history for the proposal, and even for the adoption of measures, similar to those which are in the contemplation of the worthy baronet. Whether those authorities are of the most respectable character, it is for the House to determine. The worthy baronet has, upon the present occasion, omitted the proclamation of James 1st, upon which he was formerly accustomed to rely; I shall therefore omit it also. He confines himself to the precedent of Oliver Cromwell, and upon that I shall say a few words. For Oliver Cromwell it is not my intention to express any violent condemnation of his memory. The superior atrocity which has marked the conduct of those who, in our times, have run the same career, the scenes of later days, the horrors of the French revolution, one of the worst effects of which is that it has raised our estimate of crime, have given to his life and actions a character almost of lenity, of equity, and of moderation. Oliver Cromwell certainly not only suggested, but carried into effect a plan of parliamentary reform. He disfranchised the decayed and the smaller boroughs; he gave representatives to the more populous towns; in short, he adopted many of the measures, which have been since proposed and recommended. This scheme, however, derives its principal weight from the cursory approbation which is bestowed upon it by Clarendon; and its chief effect upon the present occasion is, that it has enabled its advocates to bring forward the authority of that great statesman and lawyer in support of their opinion. We find accordingly this passage from his works quoted and relied upon in the early speeches of Mr. Pitt, and in most of the publications upon that side of the argument—It must, however, be observed, that if there be any subject upon which the authority of Clarendon is to be received with doubt, with hesitation, and with allowance, it is upon any thing relating to the privileges and constitution of the House of Commons. He had seen this House outstep its due office in the constitution; he had seen it overbear and destroy the monarchy and the aristocracy; he had witnessed, and been an actor in the calamitous scenes of that time, and there can be no wonder, as there is no doubt, that there remained upon his mind a bias and a prejudice against the claims and powers of that body, which, in his opinion, had used their power so ill, and pushed their authority so far beyond its due and constitutional limits.—With respect to the precedent itself, if considered seriously, nothing can be more absurd. If it prove any thing, it proves that propositions of this nature should always be received with the utmost suspicion; that they are mere devices on the part of those who bring them forward for the purpose of obtaining popularity, and through popularity power; that they lead in the end to oppression, iniquity, and violence, embittered by the most open mockery and derision of those who have confided in them. The following is the passage in question.—" But the time drew near now, when he (Cromwell) was obliged, &c. to call a parliament, &c. In order to this meeting, though he did not observe the old course in sending writs out to all the little boroughs throughout England, which are to send burgesses (by which method some single counties send more members to the parliament, than six other counties do), he thought he took a more equal way by appointing more knights for every shire to be chosen and fewer burgesses, whereby the number of the whole was much lessened; and yet the people, being left to their own election, it was not by him thought an ill temperament, and was then generally looked upon as an alteration fit to be more warrantably made, and in a better time."* Thus far the book is accustomed to be quoted, because thus far it is thought favourable: but it is often very useful, and often greatly alters the bearing and import of a passage, if we read a little onwards in the volume, and see what follows,—look at the consequences of this measure; look at the manner in which it was carried into execution, and at the use which was made of it—"and so upon the receipt of his writs, elections were made accordingly in all places, and such persons for the most part chosen and returned, as were believed to be the best affected to the present government, and there being strict order given that no person who had ever been against the parliament, during the time of the civil war, or the sons of any such persons should be capable of being chosen to sit in that parliament, nor were any such persons made choice of. Then Cromwell said to them in his speech, 'and besides 'all this, he had called a free parliament, 'that blessed be God, he that day saw a 'free parliament.' Why, Sir, the ministry might very safely accede to a reformation upon Cromwell's plan; they might give all that is demanded, universal suffrage and all, provided you would give them in return Cromwell's prerogative of designating who should not be chosen. But, seriously, what is there in this, but the scheme of a usurper, who feels his power tottering under him, and who is desirous by any means whatsoever, to conciliate some share of public opinion, and obtain, if possible, by any profession or delusion, some popular support without meaning at the same time to give up any part of his supreme and absolute authority? Besides, we must recollect the manner in which Cromwell acted towards his parliaments:—if they thwarted or displeased him, he cleared the House out with a body of soldiers, locked the door, and put the key in his pocket. Now, a man who had so easy a mode of disposing of parliaments, was naturally very indifferent with respect to any experiments he might make upon the mode of bringing them together.

Sir, I have a precedent to oppose to this precedent of the worthy baronet's; it is taken from the conduct of one who also, but by very different means, professed it to be his object to call a free parliament.—It is the declaration of the prince of Orange, of the eleventh of October, 1688, and it states the doctrines upon this subject professed and acted upon at the Revolution;—and here I cannot but venture to call upon the descendants of those who acted so conspicuous and beneficial a part in those memorable times, upon the Cavendishes, and upon the Russells; if any of them be engaged in this new course of parliamentary reform, as it is called—I implore them to reconsider the conduct and the opinions of their ancestors, and at least to pause before they so suddenly and widely depart from those institutions, and those maxims and forms of government, which were asserted, and, as I had hoped, ratified, sanctioned, and consecrated at that period. The declaration is as follows: "We now think fit to declare, that this our expedition is intended for no other design, but to have a free and lawful parliament assembled as soon as is possible; and that in order to this, all the late charters, by which the elections of burgesses are limited contrary to the ancient custom, shall be considered as null and of no force; and likewise all magistrates, who have been unjustly turned out, shall forthwith resume their former employments; as well as all the boroughs of England shall again return to their ancient prescriptions and charters."* These were the maxims of that time. A reformation was here intended, but it was a reformation proceeding upon restoration and re-establishment, not upon overthrow and destruction.

But, however, whether the measures proposed be according to the ancient theory and practice of the constitution or otherwise, whether they be founded on precedent or sanctioned by authorities, and whatsoever be the weight of those precedents and authorities, if the effects of the system as it at present exists are evil, and if means are to be found of ameliorating it, no doubt they ought to be adopted. But to determine this question, we must not have recourse to mere theories, and visionary ideas of perfection; we must look at the actual state of things, and at the working of the machine. Many other popular opinions are founded, it appears, upon the celebrated petition presented to this House in the year 1793, by the present earl Grey,* and conclusions are frequently drawn even in the resolutions and other acts of public meetings, from the mere circumstances of the reception of that petition, which are in no respect warranted by it. We are continually told that all the facts alleged in that document, may be assumed and argued upon as true, because they stand uncontradicted upon the Journals of this House. Why, every petition that is presented to this House is read, is laid upon the table, and is consequently printed in the Journals, but it is almost unnecessary to say that it cannot be from thence inferred that every allegation in every petition is necessarily true. With respect to the body of the petition, I have no observation to make, but that it condemns as a blemish and defect, that which I consider as one of the greatest advantages of the present system. It complains of the variety of the rights of election, and of the anxious care taken by this House, in its committees to guard, to protect, and preserve them. This I own appears to me a beauty to be admired, a merit to be imitated, a useful and advantageous principle to be cherished, not an evil to be removed, and a grievance to be redressed. But if the Table of Parliamentary Patronage, as it is called, which is annexed to the Petition in the appendix to a very valuable pamphlet, lately published by Mr. Evans upon this subject, is to be taken as part of the report, I must say, that I think a statement more incorrect, more essentially unfair and delusive, was never given to the public. In this table I find the duke of Devonshire stated as nominating a member for the county of Derby, the duke of Bedford for the county of Bedford, the duke of Beaufort for the county of Gloucester, and so on; and this influence is, without distinction, put in the same list, and under the same ban, as that which governs the closest borough in the kingdom. Why, is this fair? is it just? is it to be borne, that because these persons are at the head of great properties,—because they bear ancient and venerable names, because their ancestors have done much, and they are doing much for their country, because they are good masters and good landlords, because they are esteemed, respected, and beloved, and that therefore when any member of their family, otherwise qualified for the trust, is presented to the counties in which they reside, there is a general disposition to elect him in preference to others,—are they for this to be branded as guilty of corruption, and as violators of the constitution? Now, Sir, if it were desirable to destroy this influence, which I deny, is it possible? Could you do it, if you would, at least without much greater changes than are avowed, whatever may be intended? There is, Sir, a resolution upon our Journals, that no peer shall in any manner interfere in our elections—a very proper resolution it is to preserve conformity, and to prevent the open exertions of power. But we must recollect the authority of acts of parliament, as well as of resolutions of this House, is bounded by the nature of things—a resolution, that the duke of Northumberland with his property in the county from which he takes his title, shall have nothing to do with the election for that county, is a resolution, that the tide shall not ebb, that the wind shall not blow—whilst the property remains, the influence will accompany it. The Spencean system is often the theme of ridicule in this House; it is wild, absurd, impracticable, as you please—But, after all, it is the most reasonable plan of reform that I have yet heard of; because it does propose a means of effecting its own object, which none of the other schemes do—break up and separate the property; with it you break up and separate the influence. It has, Sir, happened of late years, that some boroughs have thrown off the allegiance they formerly held, and have chosen for themselves those members who were before imposed upon them by the nomination of peers. I do not think that practically the representation has in these instances gained either in talent or in respectability, and that is all I think it proper to say upon this part of the subject.

---

* Hist. of Rebellion, Vol. 3, p. 386.

†

* See New Par. Hist. Vol. 5, p. 10.

Upon the whole, Sir, parliamentary influence is a great power in the state, and power is a good or an evil, according as it is well or ill exercised. If a person possessed of parliamentary patronage make use of it to introduce into this House persons who, upon a fair and liberal construction, hold the same general opinions in politics as himself, persons who are capable of discerning the right by their talents, and of maintaining it by the firmness of their characters, I certainly am bound to think, and had I no personal reasons, I believe I should still think, that in such an arrangement there is nothing but what is honourable both to him who confers and to him who receives the obligation; nothing but what is advantageous to the public service. I know there is another side of the picture—I know that the power may be used in another manner—a man may place in this House a set of followers upon no other condition than that of acting according to his will and at his direction; having prepared this subservient train, he may then lie in wait for the difficulties of the times, he may watch the moment when parties are equally balanced, and he may then make favours and compliances the price of his support, thus acting without honesty himself, and perhaps doing essential injury to his country, by forcing into important situations persons incompetent to discharge the duties of them. This I consider the greatest blemish and defect of which I am aware in the system.—But the question at last comes to be determined upon a balance of good and evil, and in that balance, in my opinion, the good greatly predominates. That single topic, which has been so often enforced and illustrated with an eloquence which it were idle in me to attempt to emulate, namely, the introduction of men of abilities into public life, is for me at once of itself conclusive in favour of the present system. Upon this it is vain for me to expatiate; it would be perfectly superfluous to quote the names or to describe the eminent qualities of Fox, of Burke, of Pitt. Those who oppose the present motion, already feel for them a reverence which cannot be increased; for those who feel it not, it cannot be expected that any words of mine can raise it in their bosoms—of them therefore I say nothing; but it is somewhat remarkable, and should, as it seems to me, weigh somewhat in favour of things as they are, that all those who have been anxious in this cause and who have distinguished themselves as advocates of reform, excepting, indeed, Mr. Wilkes the father of the measure in modern times; that all from Mr. Tooke downwards have owed their power of declaring their opinions in this House not to the favour of the people, but to that which they represent as the most corrupt and abominable part of the system. The worthy baronet himself; his popularity in Middlesex, his seat for Westminster, has its root in that system—it was as the member for Boroughbridge that he obtained the opportunity of first displaying those talents, which I have always admired, although I have unfortunately frequently differed from him with respect to the propriety of their application and direction.

---

* See New Par. Hist. Vol. 30, p. 787.

More, Sir, I should have said, but the subject has been very much exhausted by the able speech of my hon. friend, who sits opposite to me (Mr. Ward). I have argued the question without violence, without asperity, and without taking advantage of the obvious but important topic of the differences of opinion, which exist amongst the reformers themselves. If a plan of this description should be adopted, and the great consequences which are predicted should result from it; if it should be productive of a new and better order of things, of peace, happiness, and prosperity, I certainly shall have no claim to any share of the gratitude which must attend upon those, whose counsels have led to so blessed a consummation; but, on the other hand, if a contrary event should take place, I shall not be subject to the reproach and indignation which must flow from hopes inordinately raised and then of necessity lamentably disappointed. If this House, as at present constituted, is to be done away, and another form of representation substituted in its place, I hope that assembly will discharge its duty to its country better than its predecessor. I own, I think it will have a hard task to perform—I think it will have a disadvantageous comparison to undergo: an hundred years of justice and good faith, of security in peace and energy in war, is a spectacle not easily to be paralleled in the history of the world. It is impossible before hand to judge with certainty what will be the effect of the adoption of any measure. It is, however, a great maxim in politics, sanctioned by the highest authority of antiquity, that forms of government are often destroyed and changed into those which are most opposite to them, by measures which wear the appearance of favouring, extending and confirming the fundamental principles of such government. Oligarchies have been overthrown by the attempt to render them more oligarchical, and laws of the most democratical tendency have produced the utter and immediate ruin of democracies. This is an important principle, and worthy of serious consideration at the present moment. It is founded in the great moral truth, that excess always produces the very evil it intends to shun. My opinion is, that the real consequence of adopting any measure, such as is proposed, will be, to impair and diminish the strength and weight of the popular branch of our constitution.

Mr. *Tierney* said, he should not have risen to trouble the House at that late hour, or indeed at all, had it not been for the many allusions made that evening to him by the hon. member opposite as the author of all the mischief attendant on the proposition for reform on a former occasion; but having been referred to by his hon. friend (Mr. Ward) in so pointed a manner, he could not avoid throwing himself on the indulgence of the House for a few minutes. He had often heard this question discussed, and at an early period of life had made known his sentiments respecting it; and these he might say had never essentially varied down to the present time. He had come to the House intending to give a silent vote in favour of a motion which pledged the House to no plan, and only required that the subject should be investigated and the principle recognized. Having when young supported the cause, he was now happy, at an advanced period of life, to be found in the rank where he had first enlisted. No man could look back five and twenty years without perceiving that his feelings and opinions had undergone some alteration. He must have been a wise man, indeed, who could say with truth, that he foresaw all the events that had within that period occurred, and had been prepared for the consequences. Four and twenty years had elapsed since the date of the petition, to which reference had been made; but without having recently read more of it than parts he had seen extracted, he could venture to say that he still concurred in it in the main—he might, perhaps, even go as far as to declare, that he abided by it in the whole. Without vanity he might say, that he thought highly of that petition, because, in point of fact, it was not his production as had been supposed: it was the work of a Committee, of which, it was true, he had been one of the most active members: it was a compound of the talents and knowledge of a number of individuals; and in this respect, though in no other, it bore a strong resemblance to the speech of the hon. gentleman which, from the style of its eloquence and the nature of its arguments, betrayed its origin to be in a sort of committee, formed of the leading members on the ministerial bench. With all due deference, however, to the quarter by which it was dictated, he must say, that it contained but little sound reasoning; and, however capital and flowery the language, the substance might be compressed into a very few sentences.

In 1793, as at the present moment, the same set phrases were used, of "let well alone," and "things are just as they should be:" and it was thought that the best mode of beginning a reform was to point out the irregularities (to call them by no harder name) that had crept into the representation, to show that the people were not fairly represented: for how could they be fairly represented, when it was undeniable, that the majority of the House was returned by an insignificant minority of the people of England? He could state positively from recollection, that greater pains could not have been taken to state the facts correctly in the petition, than had been taken on that occasion, notwithstanding the hon. gentleman who spoke last, had objected to some parts of it. He had, in the first place, asserted, that the variety of rights of voting was a great benefit; but the petition did not complain that different interests, landed or mercantile, were represented, but that the numerous distinctions and modifications in the right of voting had been the occasion of great confusion and litigation. Another direct attack upon the petition was, that it complained that noblemen used their influence at elections; and the hon. gentleman had asked, if it would not be monstrous to abolish that honourable influence which was obtained by the good conduct and good offices of a nobleman towards the electors of his neighbourhood? Upon this point the petition might answer for itself, for it contained this sentence—"Your petitioners entreat your honourable House to believe, that in complaining of this species of influence, it is not their intention or desire to decry or to condemn that just and natural attachment which they who are enabled by their fortune, and inclined by their disposition, to apply great means to honourable and benevolent ends, will always ensure to themselves." It was clear, therefore, that this last complaint was unfounded, and the hon. member needed not thus to have gone out of his way gratuitously to cast imputations.

Those who resisted the motion, and particularly the hon. member over the way (Mr. Ward), had maintained, that all things were in so happy a state, that it was impossible to improve them; not a tittle could be altered for the better—time had made no inroads that required repair; the constitution was at present, and always would continue to be, an imperishable model of perfection for the world to wonder at; and the representation of Old Sarum was just as good as that of the county of York [Hear, hear!]. This was certainly all very pleasant, and came most appropriately from an hon. gentleman who, having been kicked out of the county of Worcester, had slipped into a close borough, and had there taken shelter from his pursuers. Whether that part of his speech had been dictated by the ministerial committee to which he had before alluded, was not so clear: it did not appear very consistent with the conduct of a right hon. gentleman, who, no doubt, was a member of it, and who, having long sat for a close borough, had abandoned it at last, and successfully stood a candidate for the populous town of Liverpool. At least one of the ministers, therefore, could be no very strong friend to the corrupted system. Would he not, on the contrary, avow, that he now felt he stood higher in the rank of representatives than when he occupied a seat for a paltry borough of a few servile electors?

The hon. member who spoke last had produced an act of William and Mary, the object of which was to prevent the warden of the Cinque-ports from nominating seven members as he had done; yet he was a warm advocate for things as they are; and had he lived in the days when that measure was brought forward, would he not have denounced it as an innovation—as an infringement upon the rights of one of the most ancient offices known to the country, and an encroachment upon the revered and hallowed constitution, as by law established? Yet was it not notorious, that the very abuse that act was intended to remedy at this moment existed in a degree as flagrant as ever? Such, however, was the fact, and if this were admitted,—(it could not be disproved,) he would ask if it was not the duty of that House to have recourse to new measures, in order to enforce that act which they had already passed, to do away one of the abuses of which the people complained, and which was now so grossly evaded? If the committee were appointed, he would undertake to prove that the lord warden of the Cinque-ports still procured the return of seven representatives. The House had heard of nothing but rights in the course of the debate; the rights of members of parliament, the rights of close boroughs, and the rights of those who were in the possession of the good things of this world, to keep them as long as they could: in short, every sort of rights had been talked about, but the most important of all—the right to amend.—His hon. friend objected, that certain places would be shut up by which men of talent could be introduced into the House. But great talents, forsooth, had made their debut in rotten boroughs, and this was to be carried to the creditor account in their favour; on this ground rotten boroughs were to be defended. Another class of objection was directed against boroughs and to the alteration of which no reasonable objection could be made. He alluded to those boroughs, the voters of which consisted of from seventy or eighty persons up to a hundred and fifty or two hundred. They sent to the Treasury what were called blank burgesses, and were chiefly in the hands of mercenary attornies, who merely sought to make money by their traffic in them. When a member was to be brought into parliament, they never inquired whether he was a man of talent and ability, likely to be an ornament to that House and a benefit to the public: all they asked was, who was his banker? They did not care about his being a young and promising man; on the contrary, they would rather have him decrepid and old, because then there was a chance of his dying and of their having an opportunity of bargaining for another.

Would any one presume to say that much good might not be effected by a change in that part of the system? What he wanted was, something that might remove the strong objections which existed against the present mode of returning members to that House. He had no hesitation in saying, that he had altered his opinion, in one respect, with regard to the question of parliamentary reform. He did not now think, that it would be desirable to recommend any sudden and sweeping alteration. The experiment, he was convinced, would be too dangerous, especially at the present moment. But great and salutary ameliorations might be made from time to time, if the House would only agree to go into a committee for the purpose of inquiring into the matter. Even his hon. friend ought to agree in the motion for a committee, because he had a proposition to make, which deserved attention. His hon. friend said, that he should have no objection to extend the right of voting to copyholders as well as freeholders. Let him bring forward that proposition in a committee, and it should have his support, if he happened to have the honour of being a member of the committee. In the same manner, many other hon. members, might have alterations which if suggested, it would be judicious to adopt. With respect to what were called close boroughs and towns, it would be very possible so to enlarge the right of voting, as to make that a real election, which was now only nominal, with the additional advantage, that candidates would not have to expend 20 or 30,000*l.* in order to obtain a seat. He had himself, on many occasions, brought under the consideration of the House, the heavy charges incurred in obtaining out-voters. Would there be any difficulty in so qualifying the exercise of that privilege as to make it less onerous to the candidate? He had had a bill scouted out of the House that he had brought in on this subject, having always thought, as he still continued to think, that the only recommendation of a candidate ought not to be the length of his purse.

There was another point of great importance, namely, the duration of parliaments. He did not mean to go into any elaborate inquiry about what was the practice of our remote ancestors, nor to ascertain how those things were managed by the Picts, the Danes, or the Anglo-Saxons. He owned he was deficient in research for such matters, and should not argue, therefore, whether it would be an innovation or a restoration. All he wanted was, honestly and conscientiously to endeavour to adapt the change of representation to the times in which we lived. If he saw the monied interest acquiring too great an ascendancy; if he saw the country gentleman, whose family had resided, perhaps for ages, in a particular borough or town, outbid by some opulent adventurer, who had grown wealthy by a lucky speculation in the stocks, or an opportune contract for government, he was justified in wishing that a check should be put to that ascendancy. And where was the danger that could truly be apprehended from shortening the duration of parliaments? Had any one attempted to answer the assertion of his hon. and learned friend, an assertion, the truth of which every day's experience confirmed, that the members of that House were sure to conduct themselves with some respect towards their constituents, when they knew that the day of reckoning with them was near at hand? Would any one venture to say, if it were morally certain, the present parliament was to be dissolved in the course of the present year, more would not vote that night in favour of parliamentary reform, than would probably be found to vote for it? The influence, then, which a shorter duration of parliament would have over the conduct of ministers would be a beneficial one; because it would make them anxious to preserve and merit the esteem and confidence of their constituents. It was indubitably true, that they had fallen greatly in the confidence of the country. "Aye, but" said his hon. friend, "only reflect upon the glorious issue of the war, and the splendid consequences of that policy which had been pursued for the last five and twenty years! All that was to be attributed to the House of Commons, which, by granting the means for carrying on the war, was, in fact, the real cause of its wonderful and triumphant termination. And yet you would quarrel with such a House of Commons, and wish to have it altered!" Why, to be sure, that was a very ingenious and fascinating way of putting the argument. But suppose Buonaparté, during his career of glory (which was no very short one), had taken the other side of it. Suppose he had said to the French nation: I will give to you the name and outward form of a representative system; you shall have the shadow, but not the substance; you shall enjoy the symbol, but not the reality; and suppose he had then added, when at the height of his dominion and authority, there—you see what mighty effects you have produced: it is to you I owe all my glories; it is to you I am indebted for this conquest and subjugation of Europe, though you know you could not say nor do any thing but what I bade you. That was precisely the logic of the hon. gentleman, who endeavoured to show that our successes in the late contest were attributable to the free and independent functions of a House of Commons, which had always been, and notoriously continued to be, under the direction of ministers. The fact was, however, and he was ready to prove it, that they might have carried on the war, if they had been in due awe of the people, at one-half of the expense. Night after night he had sat there, and endeavoured to impress this truth upon them, when million after million was voted away to be sent out of the country, to put down atheism, and he knew not what. He had blamed the lavish expenditure which had thus been sanctioned, but he had opposed it in vain. Now, however, the country began to feel the effects of such improvidence, and was it wonderful that the people looked towards them as the authors of their sufferings and distresses? It was not the king, it was not the other House of parliament, that could justly be reproached. They (the House of Commons) were the guardians of the public purse, and if they had refused to open its strings, such calamitous consequences could not have ensued. In one part of England, the inhabitants had nothing to eat; in another, they had no work; go to a third, and there were no rents to receive. Did not these things clearly prove that there was something "rotten in the state of Denmark?" And if so, ought not the part which was rotten to be probed and a remedy applied? He wished for no vague and dangerous innovations. He was a determined enemy—as determined an enemy as any in that House—to Annual Parliaments and Universal suffrage. But did it follow, because those theories were not proper to be adopted, that nothing could be done to satisfy the people, by improving the representation? Did it follow, if they went into a committee that they must do harm, and could not do any good? Would it be no satisfaction, to a distressed and suffering country, to see the legislature at least anxious and willing to take its grievances into consideration? Would it be no consolation, if they saw the House of Commons seriously and earnestly disposed to investigate the causes of their complaints, and willing to apply whatever remedy they were susceptible of receiving?

He entreated the House not to be alarmed by any bugbears about a reform which would endanger the constitution. He would venture to say they would not find any committee of twenty-one members, who would agree to report upon the expediency and necessity of annual parliaments, or universal suffrage. But they would find many twenty-ones ready and willing to propose some alteration in the present system. To the great admirer of Mr. Pitt he would reply, that he had studied reform under Mr. Pitt's auspices also; and it was worthy of remark, that although he had changed his mind, yet in the Irish parliament he had left the model of a House of Representatives such as it ought to be in his mind. Mr. Pitt, at the time of the Irish union had, what few reformers ever had, an opportunity of acting largely and wisely upon his own notions. There was a parliament to be destroyed and a parliament to be created. The old parliament, too, of Ireland, was reproached with many of those unceremonious epithets about corruption, selling of seats, &c. which were applied to the parliament of Great Britain, but which he would not be so uncivil as to repeat. What did Mr. Pitt do? He provided, that out of the hundred members to be returned by Ireland, two-thirds, he believed he spoke correctly [a member near Mr. Tierney said 64], should be county members. The remainder to be close boroughs, and those including Cork and Dublin, and some other cities and towns, which were any thing but close. Was that no guide for them? Was that no polar star by which they might steer their course. Could they not do something of the same kind? Could they not destroy the close boroughs and towns, at least, and throw the votes open to the population of such places, which would be one great step towards attaining an efficient representation? All he contended for was, such a state of the representation, taken as a whole, as would prevent the county members, the country gentlemen of England, from forming a minority in the House, which they did at present. His hon. friend opposite had begged he would forgive some observations that had dropped from him. He could assure his hon. friend that he was of a very placable disposition. His hon. friend once sat on that side of the House, and said many hard things against the other; if his new friends would as easily forgive him for his past offences to them, as he (Mr. T.) pardoned him whatever he had said that night, it would be all very well.

He had thus expressed his opinion upon the subject then before the House. When he rose, he promised them that he would not long occupy their attention, and he should conclude with adverting to only one more point. It had been the fate of Parliamentary Reform to suffer deeply from the madness and insolence of the advocates who had lately espoused it. They foolishly and presumptuously imagined that they could carry that great question exclusively of all persons of rank and influence in the country. This doctrine had been inculcated at public meetings by an individual, who though he had attacked the whigs, now found that without them he could do nothing. Certain he was, that such conduct on the part of the advocates for parliamentary reform, had done more to injure the cause than all the arguments of its avowed enemies. He hoped their eyes were now open to the mischief they had done, and that conduct like that which he had noticed would not be persevered in, or recurred to.

Lord *Milton* rose amid cries of question, and said, that he had heard nothing which had shaken his opinion on this subject.—There was no sufficient case made out against the present state of the representation in parliament; and till he was convinced, he should not vote for any alteration.

The House then divided:

Ayes - - - - - - - - 77
Noes - - - - - - - - 265
Majority against the Motion—188

While strangers were excluded,

Mr. *Brougham* (who had not been in his place during the debate) rose, under evident marks of illness, and shortly addressed the House, to express his zealous and cordial approbation of the motion, and his regret that he had been prevented from stating his opinion more in detail, by an indisposition, in consequence of which he had applied to have the question put off for a day; an arrangement which had been prevented by an accident. He stated, that he was the more anxious to mention the grounds on which he supported the motion because he went a considerable way farther than some of his hon. friends (sir S. Romilly and Mr. Tierney), in his views of reform; and because he stood pledged to state those views explicitly. He added, that he was anxious to see the question again brought forward in any shape which should give him the opportunity he desired;—and in the mean time he should only state, which he did most conscientiously, his unalterable adherence to his former sentiments upon this important question.

Mr. *Plunkett* expressed much regret at having to differ from those friends with whom he generally acted; but were he to vote for sending these petitions to a committee, he should give countenance to a proposition which he denied, namely, that the distresses complained of originated in the defects of the representation. He was by no means, however, prepared to reject all plans of reform that might be proposed; and he declared his readiness to discuss those measures in detail, to which several members had referred.

List of the Minority.

Atherley, Arthur
Aubrey, sir John
Baillie, J. E.
Barclay, Charles
Barnett, James
Bennett, hon. G H.
Birch, Jos.
Boughey, sir J. F.
Brand, hon. T.
Brougham, Henry
Burroughs, sir Wm.
Browne, Dom.
Butterworth, Jos.
Byng, Geo.
Calcraft, John
Calvert, Charles
Calvert. Nic.
Carter, John
Cochrane, lord
Curwen, J. C.
Dundas, Chas.
Dundas, hon. L.
Ebrington, visc.
Fellowes, hon. N.
Fergusson, sir R. C.
Fitzgerald, rt. hon. M.
Gaskell, B.
Gordon, Robert
Grattan, rt. hon. H.
Guise, sir W. B.
Hamilton, lord A.
Heathcote, sir G.
Heron, sir R.
Hornby, E.
Howorth, H.
Hughes, W. L.
Jervoise, J. P.
Lambton, J. G.
Langton, W. Gore
Latouche, Robert
Leader, Wm.
Lefevre, C. S.
Lemon, sir Wm.
Lyttelton, hon. W. H.
Madocks, W. A.
Martin, J.
Matthew, hon. M.
Moore, Peter
Neville, hon. R.
Newman, R. W.
North, D.
Ossulston, lord
Parnell, sir H.
Peirse, Henry
Philips, G.
Prittie, hon. F. A.
Rancliffe, lord
Rashleigh, Wm.
Ridley, sir M. W.
Romilly, sir S.
Rowley, sir W.
Scudamore, R. P.
Sebright, sir J.
Sefton, earl of
Sharp, Richard
Smith, J.
Smyth, J. H.
Spiers, Arch.
Stanley, lord
Talbot, R. W.
Tavistock, marquis of
Teed, John
Tierney, rt. hon. G.
Waldegrave, hon. W.
Webb, E.
Webster, sir G.
Wharton, John

TELLERS.

Burdett, sir F.
Smith, Wm.

PAIRED OFF.

Martin, Henry
Monck, sir C.
Mackintosh, sir J.
Newport, sir J.
Osborne, lord F.
Plumer, Wm.
Piggott, sir A.
Symonds T. P.
Western, C. C.

Mr. Ponsonby was absent from indisposition.

HOUSE OF COMMONS.

Wednesday, May 21.

Repeal of the Septennial Act.]—Mr. Brougham gave notice of his intention to move, on the 10th of June, for leave to bring in a bill for the Repeal of the Septennial Act.

Irish Insurrection Act.]—Mr. *Peel* rose to move for leave to bring in a bill to continue for one year the Insurrection act in Ireland. This act was familiar to the House, and though passed as a general measure, was only intended for limited operation. It was unnecessary to discuss its general character, and all that he felt required from him was, to state that there were some districts in that country where the enforcement of the measure was demanded, by that protection which the state owed to the lives and property of the subject. He asked for the continuance of this confessedly rigorous measure, with the confident conviction of its having never, during the past time, been abused by the Irish government. He had in the last session given an historical account of the proceedings under that act. During the last year no application of it was made, and indeed, whenever applied, it was after the most mature consideration of all the circumstances. In this year, in the county of Louth, in consequence of a very atrocious outrage, and the manifestation of a general spirit of insubordination, the government acceded to the unanimous memorial of the magistracy calling for its enforcement. He concluded with saying, that he felt it his duty, at the moment when he called for the enactment of such a measure of rigour, though no description could give an adequate impression of the distress of many districts in Ireland, to bear testimony to the general spirit of subordination and good order that prevailed where that distress was most deeply experienced.—Leave granted.

Motion for Communications between the Home Department and Mr. Poole.]—Sir *James Mackintosh* rose to move for the production of copies of all communications between the Home Department, and a person of the name of Poole, regarding the conduct of the latter in his informations against three individuals, named Parkinson, Fletcher, and Deacon, before a magistrate of Staffordshire. This individual had been very active in his informations. He had no personal knowledge of him, and had no motive but that of public duty, in bringing forward the facts which he felt himself called upon to state. He had received his information from persons on whose veracity he could rely; who, like himself, had no personal interests to serve, and who, although it was possible for them to be deceived themselves, would never attempt to deceive others. It appeared from their statement, that this Poole had been very active about the beginning of April, in procuring informations against Parkinson and the two other persons; and that his zeal had carried him beyond the bounds of law or prudence. When his conduct had excited public notice, when the legality of his proceedings became generally questioned, and he found that he had exposed himself to untoward consequences by his indiscreet zeal, he thought of a plan of saving himself from the penalties of his irregularities, by sheltering himself under the protection of the home department. Either he himself, or some other person acting for him, had procured a letter from an hon. person connected with the office of the secretary of state, or from some person affecting to be acting under the authority of the home-office, which he considered as a security for his past conduct, and exhibited as an assurance of protection against the consequences of the irregularities of which he had been guilty. This letter had been seen by a magistrate of the county of Stafford, whom he would not now name, but whose name, if it were mentioned, would suggest as honourable a character as existed in the country. He would not state the expressions the letter contained, nor would he tell by what persons or on whose authority it was written. The grounds of his present motion might be divided into two parts; the fact of showing the letter, and the irregularity of the proceeding. No doubt could exist that this person had shown a letter from the home-office, which he considered as a protection against the consequences of his indiscreet zeal, and that by this means he spread a belief in the district to which he belonged, that government, instead of superintending the due execution of the laws, had encouraged their violation and extended protection to their violator. No doubt could be entertained, therefore, of the existence of the letter, and the mischievous consequences it had produced. Whatever the letter was, whether direct or indirect, whether it depended on verbal communication, or written authority, from the secretary of state, or any person who could be considered as his agent, it had produced evil consequences, and required ample explanation. This person had certainly spread a report, supported by a written document, that he was favoured by government in breaking the law: that the secretary of state had entered into a confederacy with him to oppress the subject; and had protected him from the legal consequences of his irregularities. It was the duty of the House at all times to watch with the utmost jealousy over proceedings against the subject, in which the government might be considered as a party; but more especially so at the present moment. If parliament created great powers, and intrusted them into the hands of the administration, they should exert the greatest vigilance over their execution. He believed that the Circular Letter of the noble secretary of state, which would soon be brought under the consideration of the House, had been issued with the best intentions; but it could not be denied that it had produced the most serious evils. The mischief of the power lately created, or assumed, did not consist so much in the solitary acts of oppression to which they might lead, as in the general excitement which they gave to bad passions, the injury they did to public morals, and the universal suspicion that they diffused. They gave a vent to the exasperated feelings of the favoured, and therefore the triumphant party; they taught the people to believe that an action changed its character as it changed its side; and that immoralities became meritorious by being enlisted on a right side, and performed in a right cause. Not only were the common people liable to this error, but men of education, and even magistrates. He would not now enter into the circular, but he would say that whether it contained legal doctrine or not, it had given powers which were before unknown, or not acted upon; and had goaded on to the exercise of rigour those who would otherwise have been beneficially inactive. He hoped the circumstances connected with the subject of his motion would be explained, as a satisfactory explanation would give him great pleasure. He concluded with moving, "That there be laid before this House, Copies of all Communications between his majesty's principal secretary of state for the Home Department, or either of the two under secretaries for that department, or any person acting under or employed by him or them, and one John Elliston Poole, touching the conduct of the said Poole in informations against three persons named Parkinson, Fletcher, and Deacon, who are charged with certain offences before Edward Powis, clerk, a justice of peace of the county of Stafford, on or about the 5th day of April last."

Mr. *Addington* observed, that having been, through indisposition, absent from his office when these communications were said to have been made, he had felt it his duty, after the hon. and learned gentleman's notice of motion, to inquire into the circumstance; the result of this inquiry he was now ready to state to the House. Two or three letters had certainly passed between his hon. colleague, Mr Beckett, and the individual to whom the motion referred. Early in April last, a letter had been addressed to the under secretary of state, by Poole, who was a surveyor under the hawkers and pedlars act. To this letter (which was perhaps a mere ebullition of well-meant zeal), an answer was returned, framed according to a certain established form, and, in fact, amounting to little more than an acknowledgment of the letter; two more were afterwards addressed by Poole, and acknowledged in the same manner, and two additional ones (making five in all), to which no answers were returned. He could assure the hon. and learned gentleman, that there was no ground whatever for imputing to the secretary of state, any desire to protect any individual from the responsibility which the law imposed upon him for his acts, and that, in fact, no letter or communication in any manner, bearing the interpretation mentioned by the hon. and learned gentleman, had been sent from the office of the Home Department to the individual in question; and to show how adverse his noble relative (lord Sidmouth) was, to any interference uncalled for by the nature of his indispensable duty, he had to state, that earl Talbot, the lord lieutenant of the county of Stafford, brought a letter which he had received from the rev. Mr. Powis, the magistrate, against whom the action was said to be pending, for the affair connected with the hon. and learned gentleman's motion. This letter contained three or four questions, to which answers were expected from the secretary of state; but the application not being made in direct official form to the office, no answer was returned. The application, however, was afterwards renewed in a direct manner, and the answer returned was, that the secretary of state did not consider it his province to put constructions on acts of parliament—or on the nature and character of any publications sent to him by the magistrates, or on their libellous or seditious tendency—that it was for the magistrates to act according to their own discretion and best judgment, aided by whatever professional advice they should think proper to resort to on such occasions. He had already said, that the three letters from Mr. Beckett, contained nothing like what the hon. and learned gentleman suspected; and so far as the credit of the Home Department was concerned, he should not have the least objection to have those letters read at Charing-cross. It did not follow, however, that they ought to be produced. There were two grounds, which would induce him to object to their production; the first was, that a prosecution was carrying on against the rev. Mr. Powis, in the King's-bench, arising (in part at least) out of this transaction, and that, *pendente lite*, it would be improper to publish these letters. The second ground was, that it was not a matter of course to grant papers on their being merely called for. Motions were often made for papers (this was, he admitted, not of that description) out of mere curiosity, and these ought not to be granted. But where papers were moved for, with the view of establishing a charge against an individual connected or unconnected with the government, it was incumbent on the person moving for them to establish a strong *prima facie* case of misconduct against the individual whom he means to charge. He did not think such a case had been made out on the present occasion, and he would therefore resist the motion.

Sir *S. Romilly* could see no ground for refusing the correspondence. The prosecution pending in the court of King's-bench was against Mr. Powis, the magistrate, alone. It was true, that the right hon. gentleman had, with extraordinary candour, apprized the House of the intercourse now subsisting between that gentleman and the executive government; but all that appeared upon the present statement of facts, was, that an individual, who had by some means rendered himself unpleasant to government, had been illegally convicted under the hawkers and pedlars act; the magistrate who recorded that conviction stating, that he cared not for the law, as he was satisfied that he should be indemnified by government. In this state of the case he could not advise his hon. and learned friend to withdraw his motion.

Sir *J. Mackintosh* would have willingly withdrawn his motion, if what he had represented as facts had appeared to be no more than supposition. He had, however, reason to believe that too much authenticity belonged to the letter of Poole; by which it appeared, that he had obtained security against the consequences of any irregularity he might commit. With regard to the objection, that the motion was an interference with the proceedings now in progress against Mr. Powis, it would undoubtedly have some weight, if he had called for any other than those parts of the correspondence which related to the informer himself. He could not consent to withdraw the motion, until he should hear something calculated to do away the impression which the letter in question must have created, that the king's government was disposed to sanction every effort of loyalty and zeal, however illegal or irregular.

Sir *W. Burroughs* intimated, that his vote must depend upon the answer he received to the question, whether any such letter had ever been sent as that described by Mr. Poole?

Mr. *Bathurst* said, that such a question in this stage of the discussion was entirely out of order; but he only rose to observe, that the case of the magistrate was necessarily connected with that of the informer.

The House then divided:—For the motion, 13: Against it, 47.

EMPLOYMENT OF THE POOR BILL.] On the motion for recommitting this bill,

Lord *Milton* expressed his doubts as to the probable efficacy of this measure in affording any substantial relief, particularly in populous places, like Manchester and Sheffield, where the distress was greatest, and the habits of the unemployed least adapted to the labour incident to the execution of public works. That part of the bill which contemplated the repayment of the money borrowed on the security of parish funds within the term of three years, he regarded as perfectly nugatory.

Mr. *Long Wellesley* felt considerable objections to the general principle of the executive government advancing the public money on private security. If not an unconstitutional, it was a dangerous practice. He was at the same time satisfied that the measure under consideration would be perfectly useless. There was sufficient capital already in the country for carrying on every profitable and useful public undertaking. The only permanent benefit that would, in his opinion, be conferred upon the labouring poor must arise from an attentive examination of the effects of the poor laws upon their condition, and the adoption of some gradual system that might operate to restore their original principle, and rescue the lower orders from their present degradation of moral feeling.

Mr. *W. Smith* was inclined to give credit to ministers, and to believe they had acted with the purest intentions in bringing forward this measure. He thought that just now ministers might easily get those public works forwarded, which they would hereafter require to be finished—as for example, the Plymouth Breakwater. He was sorry the estimate for it had been reduced from 60,000*l.* to 30,000*l.*, for he would rather have seen it made a 120,000*l.* as thus it would have afforded employment to many of the poor miners in Cornwall, who were at present in a state of indescribable distress. In Scotland also there existed dreadful distress, there being no work, and no means of earning money for provisions.

Sir *W. Burroughs* could not give ministers credit for their intentions, as in truth they would never have adopted this measure had they not been driven to it. If they had been sincere, why had they not sooner convened parliament? If it was true that parliament was soon to be dissolved, he was afraid this measure might be considered as a means of securing patronage to ministers. He wished ministers, or some of their friends, would disavow they had any intention of making this a source of patronage.

Mr. *Thompson* approved of the intention of ministers, and thought the plan might do good, because it would furnish the means of employment.

Mr. *Rose* expressed his astonishment at the insinuation of the learned gentleman, that this measure was proposed for the sake of obtaining any undue influence, and referred to the names of the commissioners appointed as a complete answer to the supposition. No expectations were entertained of any extensive benefit to be derived from the measure; but it might do good, and could not be prejudicial.

Mr. *Lyttelton* considered the principle of the measure to be false, unsound, and hollow, and was persuaded that its adoption would not produce any permanently good effects.

The House then went into the committee, in which a desultory conversation took place upon the several clauses.

HOUSE OF COMMONS.

Thursday, May 22.

Bankrupt Laws.] Mr. *J. Smith* rose to present a petition, praying for a revision of the Bankrupt Laws, from the principal members of the mercantile body of the city of London. To this petition the names of the bank directors, with those of the most respectable West-India and East-India merchants, were annexed. It was indeed so subscribed, that it might well be denominated a petition from the first merchants, bankers, and traders in the country, and it referred to a subject highly deserving the attention of that House. The petitioners complained, that under a commission of bankruptcy, *bona fide* creditors were too often defrauded, while fictitious claimants were allowed to partake of the assets of the bankrupt—that the place in which the commissioners at present transacted business in London, was so inadequate for the purpose, that they were quite incompetent to discharge the duty assigned them, to the satisfaction of the creditors—that indeed it was extremely difficult, if not impossible, for them to examine the conduct of bankrupts in such a way as to answer the object of the law. From the objectionable character and defective administration of such a system, it must be the wish of every considerate man to relieve the mercantile body, and with a view to the attainment of that relief, it was his intention on a future day to move for the appointment of a special committee to inquire into the subject.

Sir *S. Romilly* was glad that this subject had been brought before the House from such a respectable quarter, and trusted it would experience the degree of attention which it loudly called for. The system of the bankrupt law was radically defective; and he was persuaded that nothing would serve to correct the abuses complained of but a very material alteration in that law. It was notorious that the grossest frauds were practised under the law, as it at present stood—that fictitious debts very often superseded *bona fide* claims—that indeed many persons entirely subsisted in this town by the fraudulent management of bankrupt concerns—by the superintendence of perjury and subornation of perjury. The system, then, which gave birth to such crimes, surely called for the consideration of the legislature; and he was firmly convinced, that those crimes arose principally out of the excessive severity of the law; for this was one of the many cases in which the excessive severity of the punishment defeated the object of the law. By the 5th of Geo. 2d. any bankrupt who did not appear to his commission, or who withheld any property to the value of 20*l.* was pronounced guilty of a capital crime. Yet how few were the convictions under this act, and yet how many might be supposed guilty of the latter offence. But the fact was, that men were unwilling to prosecute while the punishment was so excessive at least for withholding the property. But he was satisfied that if the punishment were less severe, a fraud, no doubt of frequent recurrence, would be considerably reduced. There were, however, other alterations which this system required. It ought to be made a substantive crime for any fictitious creditor to sign a bankrupt's certificate. Adverting to the bill before the House, he expressed his disapprobation of that measure, which he did not think likely to do any good, while it was calculated to produce much oppression. For the idea of authorizing a minute examination of the whole life of a bankrupt, and of proposing that if any exceptionable act on his part were detected, he should be therefore refused his certificate, was quite inconsistent with justice and humanity. But the main object of this bill was quite impracticable, and he hoped the hon. mover would not press its adoption. He had himself brought in a bill upon the subject in a former session, in which there was a clause to invest the lord chancellor with a power to sign a bankrupt's certificate in certain cases. But for this clause another was substituted in the Lords, of which he by no means approved, namely, that of authorizing three-fifths of the creditors to sign a certificate, and this was deemed an important concession, because four-fifths were previously required. That arrangement, however, did not at all answer the end which he had in view, namely, to protect the honest debtor from the oppression of callous or inconsiderate creditors.

Mr. *Lockhart* said, that the object of the bill which he had introduced, was solely to distinguish between honest and fraudulent bankrupts, and to guard against fictitious claimants. As to the latter, he was sorry to understand, and he stated it without prejudice, that in London, at least, they consisted principally of the Hebrew nation, who, as he was assured, dealt largely in false oaths. For example a case had lately come to his knowledge, in which a Jew had sworn himself the creditor of a bankrupt to the amount of 5,000*l.*, but, upon examination before the commissioners, it appeared that not one shilling was due to him. But as he (Mr. L.) was informed, those Jews, however they might be influenced by the penalty which the law annexed to perjury, had really no religious reverence for any oath not taken before one of their own rabbies, while such was their impression with regard to the latter, that a Jew happening to die some time ago, shortly after he had violated an oath taken before a rabbi, his fate was among his nation universally attributed to that violation. The rabbies should therefore be called upon to enlighten and instruct those Jews upon the subject of oaths taken in the administration of our law, and no doubt the call would be attended to.

Mr. *Abercrombie* supported the views of sir S. Romilly, adding, that the commissioners of bankruptcy should be authorized to adjourn the final examination of any bankruptcy until he should be prepared to make a satisfactory disclosure of his effects, as such a provision, he was induced to think would operate materially to check fraudulent bankrupts.

Ordered to lie on the table.

ABUSES AT THE CONVICT DEPARTMENT AT CORK.] Mr. *Bennet*, adverting to a commission of inquiry which had lately taken place at Cork, in consequence of frauds committed upon the Convicts, stated the circumstances of the case as they had been communicated to him. Representation having been made to admiral Hallowell, who commanded at Cork, that about one half of the sum allowed by government for the maintenance of each convict while at Cork, had been for years appropriated to the private profit of the sheriffs and gaolers, that gallant officer transmitted his information to the government, by whom a commission of inquiry was appointed. Now, he wished to know whether there was any objection to lay before the House the report of the commission, with regard to the double fraud upon the government and the unfortunate convicts?

Mr. Peel having stated that he had no objection, Mr. Bennet moved for the "Report of the Commissioners appointed by the Crown to investigate certain alleged abuses in the Convict Department in Cork, together with the evidence taken before them."—Ordered.

EDUCATION OF THE POOR.] Mr. *Brougham* rose to move the revival of the committee which sat last session to inquire into the education of the lower orders in the metropolis. A great deal of evidence was taken before the former committee, and a great deal of that evidence was necessarily *ex parte.* It appeared to him that a considerable portion of it, therefore, was susceptible of correction and revision, and it was in order to afford an opportunity for obtaining that correction, on the part of the witnesses, by another investigation, that he now moved the revival of the committee.—Agreed to.

WINDOW AND CARRIAGE TAX IN IRELAND.] Mr. *Shaw*, of Dublin, rose to bring under the consideration of the House, the extreme hardship which was felt in many parts of Ireland from the oppressive duty upon Windows and Carriages. The hon. member went into a variety of statements, to prove the severity of those taxes, especially that upon windows, and mentioned one case, where a person paying only 28*l.* a year for rent, paid 24*l.* to the window and hearth tax. The duty on windows was originally imposed as a war tax, and the war having ceased, he thought it was but common justice to relieve the people of that country from the further continuance of the tax. At least, if it could not be wholly repealed, he apprehended it would be very practicable to mitigate its operation, and he should therefore move, "That a committee be appointed to take into consideration the petitions from the city of Dublin, and other parts of Ireland, against the window tax and carriage tax."

Mr. *Grattan* expressed his entire concurrence in the motion, and his conviction of the necessity that some consideration should be bestowed upon the subject. The persons who had petitioned against the tax, especially from Dublin, were all of them respectable householders, and a most rational, intelligent, and modest set of men. His idea was, that some regulation might be adopted, which would relieve the subject, without diminishing the resources of the country. In any opinion he entertained or might have expressed upon the subject of those taxes, he did not mean to cast the slightest imputation upon the motives or the integrity of the right hon. gentleman (Mr. V. Fitzgerald), at whose recommendation they were imposed. He had proved himself an honest servant of the Crown, mediating between it and the people, and doing justice to the one, without agitating or oppressing the other. It was impossible, however, in so large a system of taxation, that some parts of it should not need correction, and any person might manifest a wish to obtain that correction, without throwing a blemish upon the individual by whom the system was proposed.

The *Chancellor of the Exchequer* said, that though he differed in some respects from the views entertained by the hon. mover, yet he was most ready to do justice to the candid manner in which he had argued it. While, however, that House would feel disposed to attend to any particular inconveniences felt from the operation of a tax, they were equally bound to attend to the general burthen which must be borne by the whole empire. He thought the object of the hon. member would be best attained by referring the petitions to the committee of finance, rather than to any separate committee. The whole taxation of the country must come under the consideration of that committee; and he would, therefore, move as an amendment, that the said petitions be referred to the committee of finance.

Sir *J. Newport* said, if the House wished to have a fair examination of the matter, they would not consent to send the petitions to the finance committee One reason why he should object to doing so, was, because there was not, at most, more than one or two Irish members upon it, and though he had no doubt the members of that committee would do their duty, in what related to Ireland, as well as to England, yet, in a question affecting Ireland alone, he could not help thinking that Irishmen were most likely to be influenced by the necessary zeal and anxiety. There was another consideration. The business already before the committee was quite enough to occupy all its attention With respect to the taxes complained of, in condemning their operation, he disclaimed any intention of reproaching the right hon. gentleman who proposed them. He was called upon, by his situation, to make great exertions during the war; he did do so, and Ireland corresponded to them, by drawing upon her capital to meet his demands. But the war being over, she had a right to expect from the justice of England a remission of those claims.

Mr. *V. Fitzgerald*, in explaining the views which induced him to lay those taxes upon Ireland, admitted, that he believed there was no body of men more entitled to relief than the petitioners, if that relief were consistent with the welfare of the empire at large; and he hoped the reference of the petitions to the finance committee would not operate in the way which the right hon. baronet apprehended.

Mr. *Plunkett* said, he thought it would be much better to understand at once whether it was likely any relief would be granted, rather than send the petitions to a committee, merely as a way of getting rid of them. No new light could be thrown upon the subject of them by any investigation before the finance committee. With respect to the window tax, it was certainly a war tax originally; but he did not therefore mean to say it should be struck off, though it certainly constituted some ground for complaint, and some claim for a mitigation of its assessments on the part of the petitioners. It was felt most severely in Dublin, where hundreds of persons were compelled to stop up their lights, thus excluding the fresh air, and causing the most deplorable consequences from contagious disorders. If no relief could be granted, in God's name let it be so declared, and they must submit to it, which would be infinitely better than deluding them with hopes that were never meant to be realized.

The *Chancellor of the Exchequer* reminded the House, that the assessed taxes of Ireland stood pledged for the payment of the interest upon its permanent debt. They had to consider, therefore, whether she could supply the means of defraying that charge, by the operation of a reasonable system of taxation. He was as desirous as any one to afford relief, if it could be done without diminishing the income of the country. The mode of effecting that would demand some inquiry, and he much doubted whether any inquiry could be made that would enable them to legislate upon the subject this session. That was the reason why he proposed to refer the petitions to the finance committee.

Mr. *Maurice Fitzgerald* said, that he understood the Chancellor of the Exchequer to state that this tax stood pledged as a part of the permanent revenue of Ireland. That was impossible, as the act of parliament gave it an express duration of three years, or during the war. England, on the arrival of peace, had received as a boon a diminution of 17 millions of taxes, while to Ireland, whose means of meeting taxation were so reduced by the abruptness of that measure, nothing was granted but about 20,000*l.* in the repeal of certain duties. He would vote for a special committee; any other reference was but to smother disapprobation.

Sirs N. Colthurst and H. Parnell pressed the Chancellor of the Exchequer to send the subject to the examination of a special committee.

Mr. *Brougham* contended it was the only practicable course, as by sending it to the finance committee either its other comparatively more important duties must be suspended, or no regard would be paid to the present subject.

Mr. *V. Fitzgerald,* to gratify all parties, would press on his right hon. friend, to accede to the motion.

The *Chancellor of the Exchequer* observed, that he was not so wedded to his own opinion as to the manner of disposing of the present subject, as to decline taking the course most likely to gratify those gentlemen so intimately connected with Ireland. But he wished to say, that a plan had lately been before him for remodelling the whole system of the collection of the assessed taxes in Ireland, on which he had suspended his decision until he should avail himself of a local investigation on the spot.

Sir *J. Newport* suggested the propriety in consequence of the information the House had just received, of withdrawing the motion. The presence of the chancellor of the exchequer, he sincerely trusted, would have the beneficial effect of establishing that long wanted desideratum in Ireland, an efficient check on the collectors of the public money.

The motion and amendment were then withdrawn.

LINEN TRANSIT DUTIES.] Mr. *Finlay,* in rising to draw the attention of the House to the state of the Linen trade, lamented that his intentions had given rise to any agitation in Ireland. He trusted, however, he should be able to show on what slight grounds those apprehensions were founded. Foreign linens, he observed, on being taken out of warehouses for home consumption, were subjected to a duty of 7½, and if intended for exportation, were loaded with an additional duty of 15 per cent., making altogether 22½. This duty had been wisely imposed by parliament, when this country enjoyed the monopoly of the trade of the world; and if affairs had so continued to the present time, he would not now propose its removal. The Irish manufacturer complained, that the removal of those duties would be highly disadvantageous to them. This he denied to be the fact; for their repeal would not induce people to purchase foreign linens, at an additional expense, which they must do, if they preferred them to those manufactured in Ireland. The general commerce of the country was injured by this system, and the manufacturers of linen in England and Ireland, were particularly affected by it. He could show, that the removal of this tax would assist the manufactures and commerce of the country, generally, and that it would be especially serviceable to the linen manufacturers. There was a prejudice in the colonial market against Irish linens, which could only be done away by removing those duties. By this means Irish linens, which were now scarcely to be seen in the colonial markets, would find their way to it, and a competition would take place between that and foreign linens, which would probably remove the existing prejudice. The hon. gentleman then moved that a "copy of a memorial of the merchants engaged in the import and export trade of the city of London, to the lords commissioners of his majesty's treasury, respecting the transit duties on foreign linens, presented on the 7th of May, 1817, be laid before the House," also, for a "copy of a memorial of the governor and court of the Russia company, respecting the transit duties on foreign linens be laid before the House."

Mr. *Knox* did not mean to oppose the motion, as it tended only to produce inquiry. The question lay within a very narrow compass. It was known that there was a great prejudice in the minds of the South Americans against Irish linens; not, he believed, because they were inferior to the foreign linens, but because a fair comparison was not made between them. In consequence of this the Irish linen merchants imitated certain marks that were affixed to the German linens, and sent them into the market thus disguised. He was averse to the removal of those duties. If the burthen on the import of foreign linens were taken off, not a yard of Irish linen would be bought; nothing but that of foreign manufacture would be purchased. It might be said, that the prejudice of the South Americans would soon be removed, when the Irish article came in fair competition with the foreign. But what, in the mean time, was to become of the Irish manufacturer? They knew very well that this trade had been increasing in Ireland, during the last few years, under the operation of these transit duties which certainly afforded a presumption that they were useful. This increase some persons attributed to the war, but they had no right to do so. The trade had increased since the conclusion of hostilities, and the opening of the continental ports to us, in a great degree. In 1812, 35,000,000 of yards were exported; in 1813, 37,000,000; and in 1815, 40,000,000. It was clear that such an increase could not have taken place if the transit duties were ruinous in their nature.

Mr. *Robinson* was decidedly of opinion, that it would be beneficial to the general interests of the country, and, in no ways injurious to the manufacturer, if those duties were repealed. He was always friendly to the measure, and so little did he contemplate the objections which had been urged against it, that he had laid a memorial before the linen board of Ireland, thinking the proposition of a repeal of the transit duties would be immediately acceded to; but he found their feelings on that subject were very different from his; they treated the measure as one calculated to do the greatest possible injury, and as rather intended to serve the interests of private individuals, than those of the country in general. The whole of their argument was founded on the supposition, that those duties prevented the foreign linens from coming into our markets. This was the fact, in 1810, when we had all the trade of the world; but now, when the ocean was covered with the flags of all nations, what was there to prevent foreign vessels proceeding directly to those markets, which we formerly supplied? It was said, the foreign merchant could not do this, because it was out of his power to command an assorted cargo. But every practical merchant in that House knew that that this was an erroneous supposition. The foreign merchant could half fill his vessel at Hamburgh with linens; he might then proceed to an English port, take in whatever other articles he pleased, and sail at once for South America. In the last year, the duties on foreign linens exported amounted to 4,000*l.*—in the preceding year they were 22,000*l.*; which showed that the foreign linens, in spite of our efforts, had found their way, direct, to the colonial market. The duty was inoperative; it produced no good for the Irish manufacturer; but, on the contrary, a great deal of mischief. Though there might be a prejudice abroad against Irish linens, yet it was well known that many other articles, the manufacture of these countries, were highly estimated in South America. These articles would certainly be introduced to a much greater extent, if, in consequence of the transit duties being taken off, they were shipped from this country along with foreign linens. With, respect to the "innocent deception," the "pious fraud," that was spoken of; namely, the assimilating, by an imitation of certain marks, Irish to German linens, he was sure it would be carried on much better if the assimilated pieces were mixed with a quantity of linens, really foreign. But it would be a great misfortune, if any fraud were necessary. He believed the Irish linen was as good, for many purposes, as the foreign; and he conceived it was much better to have the bad or good qualities of the manufacture, fairly put to the test, through the medium of competition, than to have recourse to deception or artifice of any kind.

Mr. *Peel* desired, in this stage of the debate, to intimate his intention of moving for another production from the board of linen trade of Ireland. He laid claim, on the part of that country, to all that favour which could belong to, or be deserved by local interests. If ever local interests were binding upon a legislature, the engagements under which the English parliament had come to the Irish were obligatory and imperative. Manufactures might safely be left to the calculation of their own profits; but it was an object of national policy to decide between their contending claims. That this was a fair subject for political consideration was manifest, from the total and separate amount of the different exports from Ireland during the last year. The total amount of these exports was 6,400,000*l*., of which the one half was of linen manufactures; whilst that of her raw commodities did not exceed 1,500,000*l*. The House also was bound to recollect the origin of the linen trade in Ireland in the year 1696, and by what means that country was induced to sacrifice to it her woollen manufactures. This was done in conformity with the earnest wishes and solemn engagements of the English government at that period. Here the right hon. gentleman read the addresses of the two Houses, and the answers from the throne relative to this subject. That the success of this manufacture was still progressive would appear from a statement of the accounts for the last five years, which amounted successively to 2,310,000*l*., 2,519,000*l*., 2,864,000*l*., 2,882,000*l*., and, notwithstanding the last year of extraordinary difficulty and embarrasment, to upwards of 3,000,000*l*. He had good reason to believe that the manufacture was still extending itself; and was the more convinced from the present circumstances of the flax trade, that the present was a most unfortunate period for commencing any experiments upon it.

‡

Mr. *Marryat* supported the motion, on considerations derived from an intimate knowledge of the transit trade in this article, and on the general ground that much of what was called Irish linen was in fact of foreign manufacture. He had no doubt that it was for the interest both of Great Britain and Ireland that these distinctions should be done away.

Mr. *V. Fitzgerald* referred to the policy of foreign powers, and particularly of the Prussian government, in defence of the prevailing system.

Mr. *Curwen*, after briefly adverting to the state of the flax trade, declared it to be his sincere opinion, that a greater injustice had never been practised by one country towards another, than by England towards Ireland, by the extinction of her woollen trade.

Sir *J. Newport* hoped that the subject would be brought forward early in the next session, that thus the people of Ireland, interested in the linen trade, might see the House were disposed to do them justice, and to defend their interests.

The motion was agreed to.

Extents in Aid.] The *Chancellor of the Exchequer* said, that of late years the great increase in the revenue, and the great concerns in which the government had been engaged, had led to proceedings with respect to Extents in Aid, that it had never been in the contemplation of the legislature or of the courts of law to sanction. The power of extending the operation of extents in aid to those indebted to debtors of the Crown, had enabled individuals to put forward their claims in a way peculiarly advantageous to themselves, and this power had certainly of late years been much abused. To remedy this he would now propose to bring in a bill, the principle of which would go to remove the abuse by taking away the temptations which had till now existed. Hitherto the debtor of the Crown had been enabled to take advantage of those who might be debtors to him, and to recover sums by means of extents in aid greatly exceeding those in which he stood indebted to the Crown. He proposed that in future the sums thus recovered should not be applicable to the Crown debtor, but should be exclusively applied to satisfy the demands of the Crown. This practical remedy to the particular abuse it was thought would accomplish the object in view better than a more general revision of the law. He concluded by moving for leave to bring in a bill to regulate the issues of Extents in Aid.

Mr. *Abercrombie* said, that the public were much obliged to the right hon. gentleman for bringing the subject under the consideration of parliament; he was, however, rather inclined to think that this matter might have been more satisfactorily adjusted, by reverting to the ancient law. Until the last twenty years there was no instance of any extent, except in cases of bond debts to the Crown. The only other alteration necessary, might, in his opinion, have been produced by additional regulations on the part of the barons of the exchequer, in order to enforce a more strict definition of the nature of the application, before any extent were allowed to be issued. This he thought might be effected without any interference on the part of the legislature.

The *Attorney-General* was persuaded, that if his learned friend were to consider the subject a little more, he would be of opinion that it would not be practicable for the court of exchequer, by any rule of court, to remedy the existing grievances. One of the great evils which the bill was intended to remedy was, that a debt to the Crown, through the medium of an extent in aid, frequently, and sometimes necessarily, procured to the debtor to the Crown, at the expense of the other creditors of his debtor a considerable benefit, of which the Crown did not partake. For instance, if a debtor owed the Crown 500*l.* and had a debt owing to him on bond of 5,000*l.* he obtained an extent in aid, by which he seized the whole of that latter sum from his creditor, to the injury of any other creditors which that individual might have. Now, one object of the bill was to prevent the debtor to the Crown from doing this, and to confine the operation of the extent in aid to the precise sum in which he was indebted to the Crown. It was also to be proposed, that the money obtained by extents should not pass into the pocket of the debtor to the Crown, but should be paid at once to the Crown itself. These regulations would materially diminish the inducement to sue out extents in aid. With respect to the supposition of his learned friend, that until late years extents in aid did not issue, except on bond debts, it was unfounded. From the earliest times they had issued on simple contract debts.

Mr. *Lockhart* observed, that the outline of the measure, as described by the chancellor of the exchequer, was by no means sufficient to remove the evil complained of. The practice of suing out extents in aid, was grounded on a fiction; but according to the proposed measure, that which was a fiction would be made a reality. He thought it a question which deserved serious consideration, whether the kind of extents proposed to be maintained, should be allowed to exist. He hoped that the accumulation of excessive costs would be prevented. He knew an instance of an extent having been issued for 80*l.*, the costs on which amounted to 100*l.* Besides the costs, the great trouble and embarrassment to which the parties were exposed was a most grievous evil.

Mr. Serjeant *Onslow* was aware that the circumstances of the country had rendered great vigilance in the recovery of debts due to the Crown necessary; but still the abuses which existed with respect to extents in aid ought to be done away. The proposed bill, he hoped, would tend to accomplish that object. As to the question of costs, that was certainly one which deserved to be promptly examined. He could not sit down without expressing that tribute which he thought due to the conduct of the attorney-general, who, as the House well knew, had abandoned an extensive and profitable practice in his profession, in order that he might give the public service the full benefit of his attention. Such instances of zeal in the public service were rare.

Mr. *Thompson* hoped, that extents in aid would be confined to debtors in chief. If every surety was allowed to receive extents, that would be a great evil. Something ought to be done to prevent the enormous amount of costs. He knew a county in which the sheriffs had in one year received 10,000*l.* as costs.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Friday, May 23.

Saving Banks Bill.] On the motion for the third reading of this bill, a conversation arose, chiefly on the clause to allow persons to avail themselves of parochial aid, should they require it, although they might have at the time money in the banks for savings not exceeding the amount of 30*l.* each, a power, however, being vested in the magistrates to withhold the parish relief, should the circumstances of the case justify such a proceeding.

Mr. *Hammersley* particularly objected to this portion of the bill, as it was so complete a deviation from the principle of the poor-laws. The alteration went to remove what little objection remained in the breasts of the poorer classes of society to receive parochial relief.

Mr. *Rose* said, he had held a consultation with many country gentlemen on this part of the bill, who all agreed in the necessity of retaining the regulation.

Lord *Milton* observed, that agricultural labourers were already contributors to the saving banks without those clauses, which he did not think at all necessary or proper.

Sir *C. Monck* opposed the clause, as he could not see any necessity for the over-zeal evinced in this portion of the bill; it was indeed undertaking to manage that which, if left alone, would manage itself. The operation of the bill would work a great injustice in Scotland.

General *Thornton* trusted, as there was so much opposition to the bill, that the right hon. gentleman would withdraw it; and that, if a bill were necessary, one less objectionable might be brought forward next session. In the country there was much dislike of the bill in its present shape.

Mr. *Protheroe* spoke in favour of the bill, as calculated to restore that independent feeling among the poorer classes, which was now so much broken down.

Mr. *Frankland Lewis* observed, that the objection to the clause was an objection upon principle, and so far he entirely concurred in it. That principle was, that under the clause in question, persons would be admitted to parochial relief, without being wholly destitute of any kind of property. If the clause passed into a law, that principle would be recognized for the first time. He owned it was a wrong one, yet balancing all the circumstances, he apprehended there would be no danger in suffering it to remain. In the first place, the operation of the clause respected the right of receiving parochial relief by persons who had not amassed a sum exceeding 30*l.* in any saving bank; and next, it was to be considered, that even under the poor-laws, as at present administered, they did not require that an individual should be absolutely destitute of all property before assisting him. It was discretionary with the overseers, and in most cases that discretion was exercised on the side of mercy and humanity.

The bill was then read a third time; after which, Mr. Western moved, that the clause in question should be omitted.

Mr. *Philips* supported the motion. If persons having property in saving banks, received relief from the poor-rates, it would tend to remove all sense of disgrace from dependence on the poor-rates.

Mr. *Curwen* thought the clause could be of no service, and must do much mischief.

Mr. *Courtenay* was against the clause, as affording a bonus for saving at the expense of the poor-rates.

Mr. *Rose* maintained, that if the clause were rejected, it would prevent many from placing their savings in these banks, and that the general effect of the bill was to produce a habit of saving among the poor.

Mr. *Wilberforce* supported the clause, as tending to propagate a spirit of independence, to promote a love of domestic comfort and enjoyment, and to prevent many evils that caused much misery and vice.

Mr. *Calcraft* could not sufficiently admire the tactics of the right hon. gentleman, who attempted, in this disguised manner, to carry what he had failed in last year. This professed to be an encouragement to saving; but this saving was out of the poor-rates. It was preposterous to talk of saving otherwise than by one's own earnings. The clause therefore was most preposterous.

Colonel *Wood* said, the clause was calculated to save a poor man involved in affliction and distress, from being altogether broken down and dispirited by misfortune. The public were very jealous of them, at that moment; they ought, therefore, to prove, by passing this clause, that a generous regard to the feelings and comforts of the poor was their motive, and not an anxious wish to get rid of the poor-rates.

The House divided: For the clause, 60; Against it, 27. The bill was then passed.

IRISH INSURRECTION BILL.] On the motion for the second reading of this bill,

Sir *S. Romilly* objected to the farther progress of this measure, under the present ciscumstances of the country. He could not think that the House did its duty to the people of Ireland, in passing a measure of such extraordinary rigour and severity without some inquiry into the actual condition of that country. He did not think it enough to say, that the law should be such that the executive or magistracy, in their discretion, might determine on its application, whilst it contradicted every principle of our free constitution. By this bill it would be in the power of the magistrates to declare any particular district to be disturbed, and arrest any individual who should be found out of his dwelling-house one hour before sun-rise, or one hour after sun-set. Every person so acting was pronounced by this bill to be a disorderly person, and subjected to the punishment of transportation without a trial by jury, and by the judgment merely of the magistrates in sessions. It moreover empowered the magistrate personally to enter any House in the middle of the night, and to discover by that means whether an individual ought to be considered as a disorderly or suspicious character, by being present or absent from his habitation. He did not assert that the unhappy state of that country did not require these harsh measures of legislation—measures which were unknown in this part of the kingdom, except as history communicated to us what was imposed under the iron yoke of William the conqueror, but he was convinced that the House would not discharge its duty faithfully in voting such measures without perfect information of the circumstances to which they were intended to apply. The moderation which had been shown in the enforcement of this bill, had been copiously described by the right hon. gentleman. He believed, however, that no fewer than 60 or 70 persons had been transported to the colonies under the last act. But he would ask, were they to be satisfied with the declaration of government itself, that it had not made a tyrannical use of unmeasured and arbitrary authority? Was a British House of Commons to be told that despotic powers had been leniently applied? If this principle were once admitted, why did they not surrender at once to the discretion of the king's government every security established by the constitution? If severe and rigorous measures could alone preserve tranquillity in Ireland, it would have become the right hon. gentleman to submit some new proceeding, on clear and distinct grounds, instead of simply reviving the former act. He knew it to be the continuation of a measure first brought forward in the year 1807, and after the time at which he quitted the office that he had had the honour to hold. He had voted against it at that period, and would have done so had he continued to be a member of the government. He then protested in the committee against that odious and detestable clause which authorized the entrance of officers at midnight into the chambers even of women. He had moved that this power should at least be confined to the person of the magistrate. The right hon. gentleman who proposed this bill had not thought it necessary to enter into any explanation concerning it: but to his mind it appeared, that if we could not place our brethren of Ireland precisely in the same state of freedom and enjoyment with ourselves, we ought at least to put them forward in the course, and give them some intermediate gradation between oppression and liberty. He required some certain knowledge whether the necessity for these proceedings, originated in the ignorance, in the distress, or the unfortunate dissensions of that country. Nor was it possible for him to allude to this subject without expressing his surprise at the continuance of an administration which was divided in opinion upon this momentous subject; and at the extraordinary spectacle of the cabinet ministers being left in a minority upon a question which they themselves contended was one of vital importance to the peace of Ireland and the security of the empire. Was it to be doubted, that whilst such a system of things continued, the occasion, or the necessity as it was called, for these unconstitutional proceedings would also continue? The state of Ireland, he feared, would remain unaltered in these circumstances, and he apprehended that it would still be the work of political wisdom, after uniting the two countries, to unite

Ireland within herself. He should not not now go into the discussion of the claims of the Catholics, but was convinced that they involved a principal, though a remote, cause of the unhappy circumstances which led to the present proposition. With these views, it was his intention to move that the bill be read a second time this day six months, unless the right hon. gentleman should consent to some previous inquiry.

Mr. *Peel* said, that he had not gone into the details of the measure when he brought in the present bill, because it had been so recently discussed that he thought he should not have been justified in again trespassing on the time of the House. But had he been aware that such a description of it would have been given by the hon. and learned gentleman, he should certainly have been anxious to guard against misrepresentation, by entering into it himself. The hon. and learned gentleman had stated its most rigorous provisions, but had concealed those which went to mitigate the more severe parts of the law. He had not stated, that the transportations which could take place under it to the colonies were limited to seven years. Though this might take place without a trial by jury, on a conviction before the magistrates, yet by the act the lord lieutenant was required to provide a king's serjeant or council to attend on such occasions, and if this person differed from the magistrates, the case of the accused was then brought under the consideration of the executive government, who decided on its merits; and thus it would be seen, that every precaution was taken to guard against abuse. The measure was only to be enforced in particular cases, at the discretion of the government, on an application made to them by the magistrates. He had moved for papers, to show under what circumcumstances it had been resorted to in the case of the county of Louth. It had only been applied to that county when the state of it was such, that trial by jury had lost its proper character, and instead of a blessing, had become a curse. It was necessary to dispense with it, when those who came forward as witnesses or as prosecutors, could no longer be protected. What would the family of Lynch say, who had suffered so severely on this subject, when told that trial by jury was sufficient to meet every evil? In the instance referred to, the man who had fallen a martyr to the cause had been robbed of arms. He had prosecuted the robbers, and for this he, his son in law, and his whole family, had been doomed to death. What was said in praise of trial by jury might tell very well, but what would be its effect on that unfortunate family, when urged against the law now under consideration? The measure had not been put in force in the county of Louth, till 30 out of 31 magistrates had applied for it, and declared it to be necessary in the then state of the county. In the whole course of the year 1816, the government had resisted all the applications made to put the law in force. This showed they were not disposed to have recourse to it on every trifling occasion.

Sir *J. Newport* said, it was with great reluctance that he felt himself bound to give his assent to the present measure. It was a painful necessity to which he must submit, but he ascribed it entirely to that lamentable system of policy of which, in his opinion, it was the necessary result, and which was, he feared, calculated to produce still worse effects. Whilst, however, he thought the procrastination of a full inquiry into the state of Ireland was a mighty evil, he must conscientiously declare, that the former act had been administered with singular moderation.

Mr. *V. Fitzgerald* was satisfied that he might appeal to all who were acquainted with the state of Ireland for a decision respecting the necessity of the measure. The mode and purposes of applying it constituted the material question; and the fact was, that it never had been put in force, except upon the unanimous representation of the magistrates. He hoped that credit was given to him for a sincere adherence to the principle of making farther concessions to the Catholics, but he could not allow that question to be identified with the outrages and enormities that had been recently committed; neither could he consent to a general inquiry at a moment when the preservation of the peace in Ireland was immediately at stake. Was there any other man in the House, except the hon. and learned gentleman, who would say that the object of this measure was, to govern Ireland by terror, and a large military force? If the hon. and learned gentleman lived in the county of Louth, he would feel it his duty to support this bill, instead of urging objections against it.

Sir *H. Parnell* denied that the measure would be any remedy for the evils under which Ireland laboured. He was unwilling to put into the hands of government, a power so formidable, as that now called for. Could they with any degree of propriety, assent to a measure of this nature, merely on the statement of the right hon. gentleman, without any previous inquiry? The right hon. gentleman stated, that outrages had recently taken place in the county of Louth; but could the existence of outrages, in a particular county, justify the renewal of a measure that affected an entire people? The law as it now existed, appeared to him to be perfectly sufficient to meet every emergency. The state of Ireland did not demand so strong a measure as this, and he hoped the right hon. gentleman would re-consider the question, before he pressed the continuation of so severe a statute.

Mr. *Leslie Foster* declared, that no person could lament more than he did the necessity for the adoption of this measure. Wherever the law met with the co-operation of the people, or was not opposed by the people, he would trust the protection of the peace of the country to its ordinary operation; but if in any part of the country the people evinced a determination to put down the law of the land, and to have no law but their own will, in such an instance to talk of the ordinary constitution as sufficient to preserve the public tranquillity was to utter an absolute fallacy. The fact was, that in the counties of Limerick, Tipperary, and Louth, until the insurrection act was put in force, there was no hope of any of the prosecutors or witnesses, in cases of trial for the outrages committed in those counties, escaping being murdered. Under those circumstances, it was impossible to think of resorting merely to the trial by jury. The hon. and learned gentleman wished to postpone the adoption of the measure for the sake of obtaining information. The fact was, that there was then on the table of the House, all the information which the Irish government possessed with respect to the subject. That information proved the paramount necessity of giving to the ordinary law of the land some powerful ally, without whose aid, indeed, it was impossible that it could be put into effective operation. He positively denied the accuracy of the hon. and learned gentleman's supposition, that the existing disturbances had arisen out of any religious differences, or was at all attributable to the votes of that House in hostility to the Catholic claims. The fact was, that in the three counties to which he had alluded, the aggressors and the victims of outrage were all Catholics alike.

Lord *Jocelyn* assured the House, that for the last three or four years there had been a system of intimidation in some parts of Ireland, which prevented the due execution of justice. He was perfectly convinced that government had made every exertion to put down the disturbances by the ordinary law of the land, before they applied for any extraordinary powers. The outrages in that part of the country in which he resided had been of the most alarming kind, but they were not at all occasioned by religious animosities, as the Roman Catholics had been equally the sufferers and the aggressors. This law was intended to protect both Catholics and Protestants, and he could not help entering his protest against the declarations of hon. members, who, whenever disturbances in Ireland were mentioned, ascribed them to the evil of not granting what was called emancipation. Every day's experience taught him, that the calamities of that country arose, principally, from the absence of those gentlemen who ought to reside on their estates, and who, while they diffused happiness around them, should set a good example to the interior orders of the community. This was the source of all the evils of that unhappy country; and unless the gentlemen of Ireland would return to their native land, and live among their tenants, neither the commutation of tithes nor any other measure would be of any avail. This, and this only, could afford security to the peace and welfare of Ireland.

General *Mathew* acknowledged, that Ireland had suffered much from the absence of her great landholders and wealthy gentlemen; but what had occasioned their absence? It was brought about by the act of union: and how that act had been effected was so well known, that it was unnecessary for him to repeat it. He positively denied that the insurrection act had led to the discovery and arrest of the murderers of Mr. Baker. With respect to religious disputes, he believed that they had nothing to do with the disturbances in the county of Louth. But why were all the other counties to be subjected to the operation of this law? The county of Louth was the smallest county in Ireland: it was the Rutlandshire of England. Nothing could be done to secure the tranquillity of that country without a fair and equal distribution of justice. At present he knew well, that one person was believed at the Castle whilst the testimony of another was discredited. He implored the House to consider fully the actual situation of Ireland, and to afford every relief which that fine that generous people had a right to demand at their hands.

Mr. *W. Quin* felt it to be his duty to vote for the measure, on the ground of its absolute necessity. To allow the bill to expire would be, in fact, to cast an indirect censure, on the government and magistracy of Ireland, by whom its continuance had been declared to be indispensable.

Sir *F. Flood*, as a representative of Ireland, could not refrain from declaring, that the bill appeared to him to be one of the many measures of benefit to Ireland originated and matured by the right hon. chief secretary for that country, to whom Ireland was most materially indebted for his exertions. The present was a protecting bill. It would protect from outrage the Catholic as well as the Protestant. He had received letters from Ireland announcing that they were perfectly satisfied in that country with the recent decision in parliament; that they relied on their wisdom for ultimate success, and that they were very grateful to the respectable English, Scotch, and Welch minority, who supported their cause. He was happy to say that the present bill was not founded on any immediate necessity whatever [a laugh]. He should support the bill.

Sir *W.Burroughs* said, he had heard nothing to convince him that this measure was necessary. A force had been voted for Ireland, of 25,000 troops to preserve the peace in that country. The right hon. secretary for Ireland had said that this bill was not called for by any thing like treason or rebellion. But the very grounds on which it had been originally introduced was, to meet treason and rebellion. There was, therefore, nothing to justify the House in passing such an act now in a time of profound peace, when neither insurrection nor treason were alleged to exist. If any such measure was necessary, it ought to be more moderate. This bill might be withdrawn, and after being so modified as to make it more consonant to the constitution, but yet efficient enough for the evils which called for it, it might be again introduced during the present session. He entreated the right hon. gentleman to do this, that the House might gradually retrace its steps, from the extraordinary and unconstitutional measures which the state of Ireland had called for.

Mr. *Dominick Browne* said, that he was ready to take his share of the odium that might attach to the re-enactment of this salutary law, which had, however, never been found necessary in the county which he represented.

Mr. *Macnaghten*, notwithstanding the generally objectionable points of the bill considered it justified by the present state of the country.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, May 30.

RESIGNATION OF THE SPEAKER.] The House having met pursuant to adjournment, Mr. Dyson, the deputy clerk, read the following Letter from Mr. Speaker.

Palace-yard, May 30.

" Sir;—It is with the sincerest concern and regret, that I feel myself obliged to request that you will inform the House of Commons at their meeting this day, of my inability, from continued illness, to attend any longer upon their service.

" After holding the high office to which I have been raised by their favour in five successive parliaments, it is impossible that I should resign so honourable and distinguished a situation, without feeling the deepest gratitude for the constant kindness with which they have been pleased to accept and assist my humble endeavours to discharge its various and arduous duties.

" It was my earnest wish and hope to have continued longer in the service of the House, if such were their pleasure, but the interruption of public business which has been already occasioned by my state of health, and the apprehension of the same cause recurring, which might again expose the House to the like inconvenience, have made me deem it necessary that I should retire at this time, and have left me now no farther duty to perform than to return my heartfelt acknowledgments to the House for all the favours they have bestowed upon me, and to express my fervent wishes for the perpetual maintenance and preservation of its rights, its privileges, and its independence.—I am, Sir, always most truly yours,

" CHARLES ABBOT."

" To Jeremiah Dyson, Esq deputy,
clerk of the House of Commons."

Lord *Castlereagh* said, that from the communication just read, the House, as well as himself, must feel the great loss which they had sustained by the resignation of their Speaker. On this subject he was sure there could be no difference of opinion, and he felt it to be quite unnecessary to dwell on the merits of the speaker, which were so long and so well known [Hear, hear!]. He would merely propose that the House adjourn till Monday next, when it was probable he should have a communication from the Prince Regent, marking the estimation in which the Speaker was held by that illustrious person; and when the House could proceed to the election of a new Speaker. —Adjourned till Monday.

HOUSE OF COMMONS.

Monday, June 2.

Choice of a Speaker.] At four o'clock there was an unusually full attendance of members. The serjeant having brought the mace, and laid it under the table,

Lord *Castlereagh* rose, and said he was commanded by his royal highness the Prince Regent to acquaint the House, that their late Speaker having communicated to his Royal Highness that he was compelled, from indisposition, to quit the chair; and his Royal Highness being anxious that no further delay should arise to the progress of public business, had signified his wish that they should immediately proceed to the election of a new Speaker. Then,

Sir *John Nicholl* (addressing himself to the deputy clerk, who standing up, pointed to him, and then sat down) spoke as follows:

Mr. Dyson;—In rising to address the House, after having been indulged upon a similar occasion at the commencement of the present parliament, I feel great apprehension of incurring the charge of presumption; but I can assure the House, that it is with much reluctance I offer myself to its attention—a reluctance arising, partly from a fear of the imputation already alluded to, but still more from knowing that the task could hardly have devolved upon a person less capable of doing justice to the subject. I beg leave, at the same time, distinctly to declare, that my reluctance in no degree arises from any hesitation in respect to the fitness of the person whom I shall have the honour of proposing to fill the Chair of this House; for after endeavouring to divest myself of all feelings of private esteem and regard, (strong as I frankly avow these feelings to be) my opinion of his qualifications is fully confirmed. And I can with sincerity assure the House, that if a person better qualified had presented himself to my judgment, I should have held it due both to my own character and to the high respect I bear towards this House, to have withdrawn myself from the present undertaking.

The state of the parliament, now approaching the conclusion of its fifth session, renders it unnecessary to trespass long on the attention of the House. If we were at the commencement of a new parliament, when many members would probably be present for the first time, it might be expedient for the purpose of endeavouring to conduct the House to a proper choice to state in some detail the duties of this important station and the requisite qualities of a Speaker. But there can now be hardly a member present to whom such a statement is in any degree necessary. If it were, it might, perhaps, be better effected by a single sentence, than by the most laboured detail. It would require only to desire the House to recall to its recollection, what can never be effaced from its memory, those qualities which were concentrated and exemplified in our late, highly distinguished, and justly venerated Speaker. To lament his resignation and the cause of it, is not the business of the present moment. To do justice to his merits by any panegyric I could attempt to bestow upon them, would be as impossible as it is unnecessary. If his successor, whoever he may be, should be under some disadvantage in following so much excellence, he will at the same time while endeavouring to trace his steps, and to pursue his course, have the benefit of being conducted by the light of his example.

The business of the Chair, in modern times, from the number and nature of private bills, growing out of the increased wealth and population of the country, has assumed a character, which is pretty generally admitted to render it expedient that we should select for our Speaker a person of professional education. In venturing to mention the name of my right hon. friend, Mr. Manners Sutton, as the person whom I intend to propose to the House, I shall not be departing from this course. He was educated to the bar, and practised for some time with considerable promise; but not so long as to have acquired habits, which are sometimes (perhaps justly) thought to be unfavourable to an enlightened, and extended view of constitutional and parliamentary laws, and of general policy. He has since filled an office peculiarly well adapted to prepare his habits, and his mind for the Chair of this House. An office requiring much industrious investigation of written documents, the weighing of evidence, and the forming of an opinion with judicial impartiality and precision. The highly satisfactory manner in which he has executed the office of judge-advocate-general is not wholly unknown to the House. We have occasionally had opportunities of witnessing with reference to military offences, and trials, the soundness of his judgment, as well as the candour and fairness with which that judgment has been formed. He has sat a considerable time in parliament, and although he has not usually taken a leading part upon matters of order, and the course of our proceedings, yet I have reason to believe, that he has not been an inattentive observer of those subjects; that the law of parliament, and the rights, privileges, and usages of this House, have been particular objects of his private study.

To advert to other qualities more obvious to common observation is hardly necessary, and might be improper; but if integrity of character, dignity of mind, suavity of temper, conciliatory manners, promptness of apprehension, clearness of expression, and impartiality of decision, be requisite to fill the Chair, I will venture to appeal to the observation of the members of this House, whether those requisites will be sought for in vain, in my right hon. friend.

It is unnecessary to disguise from the House, that a rumour prevails, or rather an understanding exists, that another gentleman is to be proposed to fill the Chair. For that gentleman I also entertain high esteem and respect. The House, I hope, will have done me the justice to observe, that I have carefully abstained from the odious task of making any comparison, or offering a single observation that could possibly be tortured into such an intention. We have doubtless amongst us more than one person competent to fill this high situation, arduous and important as its duties are. Each individual stands recommended to his friends by his own merits. The only difficulty which the House will have in its choice, I trust, will be "inter bonos optimum discernere." Without therefore wishing in the slightest degree to detract from the merits of any other gentleman who may be proposed, I have only to repeat with the greatest truth, and sincerity, that I can most conscientiously recommend to the adoption of the House the motion with which I shall now conclude,—I move, "That the right hon. Charles Manners Sutton do take the Chair of this House."

Mr. *E. J. Littleton* rose and said:

Mr. Dyson;—In rising to second the motion of the right hon. gentleman, I must express what I sincerely feel—my inability to offer any thing to the House which can add force to his statement; and I can assure you, that no consideration would have induced me to undertake the task of following him, unless I had been encouraged to attempt it by a sincere and cordial agreement in the propriety of his recommendation. I feel, however, one motive of personal satisfaction in addressing the House on this occasion. I rejoice in the opportunity of adding my humble testimony to the merits of the Speaker, whose loss we are unanimous in lamenting. He has retired much too soon for the public good, and the advantage of this House, of which he has maintained the privileges and exalted the character; not, indeed, too soon for his own reputation; and I ardently hope he has not remained in his station too long for his own health, injured by the strict performance of its constant and arduous duties; or too long for the future exertion of his abilities in the civil service of the country. It is a custom founded in justice and good feeling, which, at the election of a new Speaker, prescribes our commemoration of the good qualities of his predecessor. But in the present instance it possesses the more obvious advantage of utility; for I will venture to assert, that by a diligent and successful imitation of the industry, the firmness, and the temper of Mr. Abbot, every future Speaker of this House will be secure of receiving their good opinion and support.

In describing the qualities requisite for his successor, I have only to refer to his example. Let the House recollect the period during which he has filled the chair, with equal honour to himself and to this House—a period which will be most conspicuous in the history of our country. The contests of party have never been more animated or more violent, yet his character for impartiality, the most essential requisite of his station, has not been sullied by the breath of suspicion. During the same period, the House has witnessed within these walls, on many trying occasions, the exertion of talents, to which it is not easy to discover a parallel in any former epoch of our history? yet they had always found our representative superior to the difficulties of the times; and in every emergency, when our character or our privileges have been at stake, his conduct has fully justified our confidence; and we have felt ourselves elevated in the public opinion, by his firmness, his dignity, and his integrity.

This period has also been made illustrious by the exploits of naval and military success, which in every part of the globe have raised the name of England to an eminence of unexampled glory; and it is in this House, it is in the free suffrages, and gratuitous applause of their fellow citizens, that our victorious officers have received the best recompence of their bravery; and learnt to engraft on the love of military fame and distinction, respect and affection for the constitution of the country. I will appeal to them—and many are present to answer my appeal—whether they have not felt the value of this reward enhanced beyond measure by the manner in which it has always been bestowed; and whether the eloquence, the feelings and the discriminating praise, of the late Speaker, did not confer additional brilliancy on their services, exalting them in their own estimation, and animating them to renewed exertions in the cause of England and of Europe.

The ample and forcible manner in which the right hon. gentleman has stated the claims of Mr. Manners Sutton to fill the chair, has left no excuse for my detaining the House by a repetition of the statement. There is a stronger reason that restrains me from dwelling on the subject at so much length as I am desirous of doing. To the right hon. gentleman it may be said, "Presenti tibi maturos largimur honores." His presence must check the effusion even of just and merited panegyric. To the integrity of his character or the reputation of his abilities, acquired within the walls of this House, it would be superfluous to add my feeble testimony; and in the able manner in which he has filled a high and arduous station in the law, conciliating the regard of those who have dissented from his public opinions, the House possesses the best assurance and pledge, that he will display in presiding over their deliberations, that union of firmness and temper, by which alone the order and dignity of their proceedings can be preserved.

Mr. *Dickinson* said, he was desirous of occupying but a very short space of the attention of the House, while he recommended another hon. gentleman to the office of Speaker. He would propose for their choice, Mr. Charles Watkin Williams Wynn, a gentleman whose talents and qualifications peculiarly fitted him for the chair, and whose merits no one could deny. He would follow the example so properly set him by the honourable gentleman opposite, and would not enter into the comparative merits of the two hon. members. He proposed Mr. Wynn, not for any demerit in Mr. Manners Sutton, but from the peculiar merits of his hon. friend. In what had been said in praise of the former he cordially joined; but if that eulogium was deserved by him, in what respect was his honourable friend inferior or less deserving? Nay, he would even go farther, and say, that in some respects his claim was superior, as being founded in the experience of talents as displayed in the debates of the House, and his acknowledged acquaintance with its forms and history. In the knowledge of the orders of parliament, and in questions of division, that were particularly important from the state of parties, his hon. friend had displayed peculiar aptitude for the Chair. It was not many days ago that he had set the House right on a question of this kind, when even the late Speaker, eminently qualified as he was for all parts of his duty, had acted on his suggestion, and bowed to his superior knowledge. It was this intimate acquaintance with the forms and precedents of parliament, and this promptitude in applying them to regulate its proceedings, that constituted the best qualification for the Chair; and for those qualities his hon. friend was eminently distinguished. This praise did not depend upon report—it did not spring from the partiality of friends—the House had been a witness of the fact. His hon. friend might say, like a great ancient to another assembly, and in another competition:—"Nec memoranda vobis mea facta, Pelasgi, esse reor; vidistis enim." We lived in times of great difficulty, when the dangers of the country were probably greater than at any former period: we lived likewise in times when parties ran high—when they were numerous and subdivided. The safety of the country depended on the wisdom and deliberations of that House, and the dignity and impartiality with which its proceedings were conducted. What, then, could be of greater importance than to place in the Chair a man whose superior knowledge might be relied on in cases of difficulty, and to whose ascendancy in this respect all parties would bow? It was not unworthy of attention, too, in times when popular elections were so much talked of, that he was so acceptable out of doors as to be sent into the House by a large and respectable county without opposition.—In addition to this, he would recommend his hon. friend from long and intimate habits of friendship. It might be asked, what this had to do with his qualifications to the Chair? He would answer that it had much. The qualifications for such a high and distinguished situation must be laid in private worth, integrity, and honour, as well as in public talents and parliamentary service; and he was enabled, from the intimacy to which he alluded, to say of his hon. friend, that, in every sense of the term, and in the broadest acceptation in which it could be used, he was a high-bred English gentleman. [Hear, hear! from all parts of the House.] Both private and public character were necessary for a Speaker; without personal dignity, some of the duties imposed upon him could not be performed. How could he assert the privileges of the Commons in his intercourse with the other House? How could he demand freedom of speech from the Crown, and lay claim to respect in all cases where the House required the maintenance of its dignity, without personal respectability? Knowing that his hon. friend possessed this, and every other qualification for the Chair, he would conclude by proposing Mr. Charles Watkin Williams Wynn to be their Speaker; and was confident that if he met with the choice of the House, he would retire from the high office with that unanimous praise which had been bestowed upon his predecessor [Hear, hear!].

Sir *M. W. Ridley* seconded the motion. He would not enter into any consideration of the merits of Mr. Manners Sutton, but would press the peculiar fitness of his hon. and learned friend, Mr. Wynn, to fill the chair. In times like the present, it was necessary to place in the presidency of the House a person whose knowledge of parliamentary forms was universally acknowledged, and whose firmness, impartiality, and temper, would confer dignity on its proceedings, and preserve regularity in its discussions. He called upon all the members of the House to discharge from their minds, as he had himself done, all political prejudices and party partialities. He supported his hon. friend, from no political feeling whatever. He had lately differed with him on a very important question—the suspension of the Habeas Corpus act; but claiming for himself a conscientious regard to the dictates of his own mind, and the decisions of his own judgment, he could not refuse the same privilege to others; and, therefore, believing that his hon. friend had shown as much integrity in the vote which he had given as that to which he himself had come, he did not allow this political difference for a moment to interrupt their mutual confidence, or to reduce the respect he entertained for his character. Neither did he now support his hon. friend from a regard to the intimacy that subsisted between them, though he could say, from a long acquaintance with him, began at school, and extending through their subsequent life in various situations, that he had found him as estimable in private intercourse, and as much beloved by his private friends, as he was serviceable to the public, and honourable in his public capacity: but this union of private and public virtue, joined to his great knowledge of parliamentary history and proceedings, peculiarly fitted him for the Chair; and he was convinced that the House would, by his election, suffer as little as possible from the lamented loss of their late Speaker.

Mr. *Manners Sutton* rose and said:

Mr. Dyson;—I must in the first place be permitted to express the gratitude and pride I feel at what has been said of me both by my right hon. and learned friend, who has proposed my name to the consideration of the House, and by the hon. gentleman who has seconded that nomination,—but when I make these heartfelt acknowledgments to them, I must at the same time state my consciousness, that much, very much of what has fallen from them I owe rather to their favour and partiality than to any deserts or merits of my own.

Sir, it would be absurd,—it would be

worse than absurd,—it would be the height of insincerity, to pretend to deny that the Chair of this House, the proudest station any of its members can occupy, is the first object of my ambition,—but when I avow that it is my object I must honestly confess my pretensions to it are not what I wish they were. Sir, I am no very young member of this House—I am well aware of the many difficulties that surround that situation—I am well aware of the various qualifications necessary to enable any man adequately to fill it, and in many of which I know myself inferior to the hon. gentleman who has also been proposed to the consideration of the House—and I am no less aware of the very formidable difficulty that at this moment presents itself, of being the immediate successor of the noble lord, who, to the great loss and unfeigned regret of this House, has been compelled, by personal indisposition, to retire from its service.

When I contemplate these difficulties, I am conscious there is no man who ought to feel them more heavily than myself—All, then, that I can say is, that if it should be the pleasure of the House to place me in that high situation, they shall find me devoted to their service; there shall be no exertion wanting on my part to discharge the duties zealously, anxiously, with the utmost assiduity, and the strictest fidelity,—the best return I can make,—the best return the House can receive, for their favour and confidence.

If, Sir, the choice of the House shall fall on any one else, I can most honestly assert, that I am not so blinded either by self interest, or self confidence, or the feelings of ambition, as to hesitate for a moment in believing that the House may, and I doubt, not would, select some other member better qualified than myself.

Sir, I shall trouble you no further than to add, that I submit myself entirely to the pleasure of the House [Loud cries of Hear, hear!].

Mr. *C. W. W. Wynn* rose and said:

Mr. Dyson;—The partiality and friendship which my two honourable friends have so long entertained for me, have led them to express themselves concerning me in a manner which adds not a little to the difficulty which such a proposition as that which they have submitted to the House must naturally place me in. In fact, it is hardly possible for me to declare the gratitude which I feel to them without convincing the House (if further proof were necessary), how much their kindness has overrated any merit of mine, and how little worthy I am of the honour which they propose to confer upon me.

In all which has been said of the great importance to the honour of this House, and to the interests of the kingdom at large, that the distinguished situation now vacant should be ably and adequately filled, I most fully concur, and I must add, that the weight of responsibility must be materially increased to the person whom it may be the pleasure of the House to place in the chair, by the recollection of the unusual ability with which its duties have been discharged during the last fifteen years by our late excellent Speaker.

To have been considered by such men as my two hon. friends capable of supporting that office, and to have received the flattering testimony of the two other gentlemen who have alluded to me from the other side of the House, is in itself an honour upon which I shall always reflect with pride and satisfaction, and what has passed this day will supply me with a recollection which will overpay any exertions of my parliamentary life.

The only qualification which I could flatter myself I possessed to justify such an honour, would be an anxious zeal for the maintenance of those privileges which the constitution has attached to this House—privileges which our forefathers have handed down to us, and which we are bound to preserve, not for the sake of ourselves, but for that of our constituents, of all the Commons of England. In the support of these privileges, I am convinced that the interests of the Crown and the liberties of the people are equally concerned. To contribute to their defence, from whatever quarter they have been attacked, has therefore been among my first objects in this House, and in this course I shall persist while I have the honour to remain a member.

I shall with pleasure give my support to the proposal of placing my right hon. friend in the chair, since the talent and assiduity with which he has discharged the important office which he has held for several years, afford the fairest promise that the same industry will be applied to the business of this House. In this I am the more confirmed by the knowledge which I have acquired of his private virtues from the habits of our former intimacy. I know the amenity and suavity of his manners, which temper the firmness and integrity of his character, and which will enable him to preside over us with credit to himself and advantage to the nation [Loud cries of Hear, hear! from both sides of the House].

Sir *Charles Burrell* said, that there could exist but one opinion respecting the merits and talents of the worthy and amiable individual, who with so much credit to himself, and honour to the House, had filled for fifteen years the arduous and difficult office of Speaker. For the right hon. gentleman who was nominated to the chair he had the warmest esteem and regard. Yet he was bound to say, that the vote he should this evening give, would be in favour of his hon. friend (Mr. Wynn), because, from early habits of friendship, and the most intimate knowledge, he was persuaded there was not an individual better qualified to preside in that House. In private life he was distinguished by the greatest beneficence and attention to the wants of individuals. His manners were equally amiable, and surely that House required not to be told of the diligence and attention he had uniformly exhibited in every department of public duty. He had attentively considered the merits of his hon. friend, and he was convinced there was no man better qualified to fill the chair, and that no man could or would discharge its duties more impartially. On these grounds he should certainly give his vote in favour of his hon. friend.

Mr. Serjeant *Onslow* was persuaded that no man could be better qualified than his hon. friend (Mr. Wynn), to fill the chair, and it was impossible for him to forget the zeal which that worthy individual had shown since he had been a member of the House. He was actuated by no personal feelings, but he should certainly feel it is indispensable duty to give his vote in favour of the appointment of his hon. friend.

Mr. *Wilberforce* said, that the office of Speaker required qualifications of the highest order, and that the various occasions on which questions of property came before him, and were in a great measure dependent on his judgment and integrity, made it essential that his character should be of that eminent class, that the individuals interested, and the country at large, should rest satisfied with his decisions. He felt the question now before the House to be one of some difficulty. It was impossible for any man not to acknowledge the high ability and private worth of the right hon. gentleman (Mr. Manners Sutton); and, indeed, his manner that day was sufficient to give a high opinion both of his understanding and his heart. At the same time it was impossible not to have observed the zeal and knowledge displayed by the hon. and learned gentleman (Mr. Wynn) on all questions of order and privilege. It was impossible for any man in that House not to allow that his ability and learning, and the peculiar success with which on many occasions both had been applied, justly qualified him for that high situation to which his friends proposed to raise him. The office of Speaker was one that, from its peculiar line of service, required peculiar studies: much reading, much knowledge of the law, and of historical customs, was necessary. There was something very laborious and even distasteful to many minds in this species of application, and it was therefore requisite that some compensation should be given to one who had evidently paid so much attention to these subjects [Hear, hear!]. It was important also, that the hon. and learned gentleman had shown that he could, on questions of great moment, break though the trammels of party, as he had done on a late interesting occasion, when he had boldly and manfully avowed, that even the liberties of the people might sometimes be best secured by partial restraint. Such impartiality peculiarly fitted him for a situation for which independence of mind was one of the most essential qualifications. Under these impressions, while he felt the highest esteem for the character of his right hon. friend opposite, he must, though with some pain, give his assent to the nomination of the hon. and learned gentleman [Cries of Hear, hear!].

The House divided on the question, "that the right hon. Manners Sutton do take the Chair of this House." The Tellers were appointed by the Deputy Clerk, viz:—

For the Ayes, Mr. Littleton -	312
For the Noes, sir M. W. Ridley	150

So it was resolved in the affirmative. Mr. Manners Sutton was then, in the usual form, conducted to the Chair, by the mover and the seconder. On taking the Chair, he expressed in a very feeling and eloquent manner, his deep sense of the high honour which the House had been kind enough to confer on him. He lamented the inadequacy of his talents to succeed so enlightened and admirable a character as their late Speaker; but trusted the House would give him credit for his anxiety, zeal, and attention to every duty he should be called upon to perform. He hoped no individual could be more zealous than he was to discharge his duties to the House and the public; and he implored their candour, should he in any respect be found deficient. [Here the feelings of the right hon. gentleman prevented his proceeding further.]

Lord *Castlereagh* said, that after the very proper choice which the House had just made, it would ill become him to detain them much longer. He congratulated the House and the right hon. gentleman, and trusted that he would long be spared to discharge the duties of that office, to which he had been so honourably raised; and he expressed the firmest confidence, that he should receive the warmest support of the House. Entertaining these views, he felt it unnecessary to add more than merely to express his heartfelt wishes for the success of the right hon. gentleman, and should conclude by moving that the House do now adjourn.—Agreed to.

List of the Minority.

Abercrombie, hon. J.
Abercrombie, Robt.
Aubrey, sir John.
Acland, sir Thos.
Althorp, viscount
Atherley, A.
Barnett, J.
Baillie, J. E.
Bennet, hon. H. G.
Birch, J.
Blackburne, J.
Browne, D.
Brand, hon. T.
Barham, F.
Burroughs, sir W.
Burrell, hon. P.
Burrell, sir C.
Burrell, Walter
Byng, George
Broderick, Wm.
Brougham, H.
Calcraft, J.
Calvert, N.
Caulfield, H.
Campbell, hon. J.
Campbell, lord J. E.
Campbell, gen. D.
Cavendish, lord G.
Cavendish, hon. C.
Cavendish, C. C.
Cotes, J.
Coke, T. W.
Curwen, J. C.
Carter, John
Cocks, hon. J. S.
Cocks, J.
Dundas, Charles
Dundas, hon. L.
Davenport, Davies
Dickinson, Wm.
Duncannon, visc.
Douglas, hon. F. S.
Dashwood, sir H. W.
Elliot, right hon. W.
Ebrington, visc.
Frankland, R.
Fitzgerald, rt. hon. M.
Fremantle, Wm.
Fazakerley, N.
Fitzroy, lord John
Fellowes, hon. N.
Fitzgerald, lord W.
Foley, hon. A.
Grenville rt. hon. T.
Grenfell, Pascoe
Grosvenor, T.
Guise, sir Wm.
Gaskell, Benj.
Hamilton, lord A.
Howard, M. H.
Hanbury, Wm.
Howard, hon. W.
Hornby, Edw.
Hughes, W. L.
Hill, lord A.
Howorth, H.
Jones, J.
King, sir J. D.
Kirkwall, visct.
Knox, J.
Lamb, hon. W.
Lefevre, Shaw
Lewis, Frankland
Lloyd, J. M.
Lyttelton, hon. W.
Lyster, R.
Latouche, Robt.
Latouche, R. jun.
Leigh, J. H.
Markham, admiral
Martin, J.
Marsh, C.
Martin, H.
Mathew, Montague
Milton, Visc.
Moore, P.
Mostyn, sir T.
Moreland, S. B.
Marjoribanks, sir J.
Morpeth, visc.
Monck, sir Charles
Madocks, W. A.
Macdonald, James
Mackintosh, sir J.
Neville, hon. R.
Newport, sir J.
North, D.
Northey, W.
Nugent, lord
Ossulston, viscount
Orde, Wm.
Onslow, Mr. Serjeant
Owen, sir J.
Osbaldeston, W.
Parnell, sir H.
Pelham, hon. G,
Piggott, sir A.
Philips, Geo.
Ponsonby, rt. hon. G.
Ponsonby, hon. F.
Phillimore, Dr.
Palmer, col.
Plummer, W.
Preston, R.
Pollington, visct.
Proby, hon. G.
Protheroe, Edw.
Pym, Francis
Powell, W. E.
Raine, Jonathan
Russell, lord Wm.
Russell, lord G. W.
Romilly, sir S.
Russell, Greenhill
Ramsden, J.
Riddell, sir J. B.
Rowley, sir W.
Savile, A.
Sharp, R.
Smith, W.
Smith, S.
Smith, J.
Sutton, C. M.
Shelley, sir J.
Scudamore, C.
Symonds, T. P.
Spencer, lord R.
Tavistock, marquis of
Tierney, rt. hon. G.
Tremayne, J. H.
Townsend, lord C.
Tudway, Clement
Teed, John
Vyse, W. H.
Vaughan, sir R. W.
Warre, J. A.
Williams, O.
Williams, sir R.
Wrottesley, H.
Wynn, sir W. W.
Wharton, R
Wilberforce W.
Webb, Edw.

TELLER.

Ridley, sir M. W.

HOUSE OF LORDS.

Tuesday, June 3, 1817.

The New Speaker approved by the Prince Regent.]—At half-past three o'clock, the lord chancellor, the marques of Cholmondeley, the earl of Shaftesbury, earl Bathurst, and the earl of Liverpool, took their seats as his majesty's commissioners, to notify the approbation of the Prince Regent of the choice of the right hon. Charles Manners Sutton as Speaker of the House of Commons. Mr. Quarme, the deputy usher of the black rod, was sent to require the attendance of the House of Commons. Shortly afterward, the new Speaker, supported by sir John Nicholl and Mr. Littleton, and accompanied by a great number of members of the House of Commons came to the bar. The commission was then read, authorizing the Lords sitting as commissioners, and others, to notify the royal approbation of the choice of the right hon. Charles Manners Sutton, as Speaker.

The *Speaker* then addressed the Lords Commissioners as follows:—"My lords; In obedience to the commands of his royal highness the Prince Regent, acting in the name and on behalf of his majesty, his majesty's most faithful Commons of the united kingdom of Great Britain and Ireland have proceeded to elect a Speaker, and it is my duty to acquaint your lordships, that their choice has fallen on me. When I contemplate the many and arduous duties necessarily attached to that high and distinguished situation, it is impossible but that I must feel apprehensive of my own inadequacy to the full and proper discharge of those important duties. If it should be the pleasure of his royal highness the Prince Regent to disapprove of this choice, his majesty's faithful Commons may have reason to be grateful, as I am persuaded they would have no difficulty in selecting from amongst their members some other individual better qualified than myself for this high and important office."

The *Lord Chancellor.*—"Mr. Manners Sutton; We have received his royal highness's commands to state to you, that he is so entirely satisfied of your abilities to perform the various and arduous duties of the high situation to which you have been elected, that he has caused the commission, under the great seal, which has just been read, to be issued; in obedience to which, and by virtue of it, we do declare this his majesty's royal allowance and confirmation of you to be his Speaker."

The *Speaker.*—"My lords; I submit, with all humility, to his royal highness's most gracious will; and I beg to avail myself of this opportunity of expressing the sense of gratitude I feel for this high and distinguished mark of approbation. If, my lords, in the discharge of the various duties of this situation, and in supporting the rights and privileges of the Commons' House of Parliament, I should involuntarily commit any error, I implore that it may be imputed to me alone, and not to his majesty's faithful and loyal Commons."

The new Speaker and the Commons then withdrew.

The Earl of Liverpool presented a Message from the Prince Regent respecting lord Colchester. [See this day's proceedings of the Commons]. It was ordered to be taken into consideration on Thursday.

Roman Catholic Question.]—The Earl of *Donoughmore* adverted to a statement in "the Courier" of what had been said in the debate on the Catholic question by a right rev. prelate (the bishop of Ossory), with respect to the titular archbishop of Dublin, Dr. Troy, to the effect that Dr. Troy had, in a pastoral letter, called upon the Catholics to refrain from petitioning, and to trust to their numbers and their strength. His lordship observed upon the great importance of not throwing unmerited calumny upon a large portion of the population of the empire, particularly upon those who had the education of that population in their hands; but was satisfied, at the same time, that there was no blame to be imputed to the editor of "the Courier." He did not therefore, intend to make any complaint; his object was, that the imputation which had thus been cast upon Dr. Troy should be completely done away. His lordship read a letter from Dr. Troy to himself upon the subject, stating that no such pastoral letter had been issued by him, and observed, that there was not a more loyal man in his majesty's dominions than Dr. Troy, who, instead of at all urging on the Catholics to acts of violence, had frequently declined even going those lengths, with regard to the Catholics, which their Protestant advocates considered as essential to this cause. He did not believe that the right rev. prelate alluded to uttered the words imputed to him; but he felt it his duty to call upon the right rev. prelate to state whether such words had been used by him or not?

The Bishop of *Ossory* expressed as sincere a regard for the character of Dr. Troy as the noble earl, and stated, that the expression imputed to him, with respect to Dr. Troy, had never fallen from his lips. His lordship was proceeding to state, that the point of time in the debate alluded to by the noble earl, was when he (the bishop of Ossory) was answering a right rev. prelate (the bishop of Norwich), whom he considered to have asserted what was unchristian and unconstitutional.

Lord *Holland* spoke to order, observing, that though the courtesy of the House allowed to noble lords to explain any misrepresentations that had occurred of what took place in a former debate, it was going beyond the line marked out upon such occasions, to animadvert upon what had been said by others, particularly those who were not now present.

The *Lord Chancellor* agreed in opinion with the noble lord, and observed, that if they were to enter into discussions with respect to what had been said in newspapers, regarding what had passed in that House, he could not see where it was to end. He himself had been grossly slandered in the newspapers within these three days, but he should be ashamed of himself if he were to take notice of it within that House.

Lord *Holland* said, he had no wish in what he said, to prevent the right rev. prelate from explaining what he thought necessary, with regard to his own speech.

The bishop of Ossory was about to rise again, but there being a cry of no; no; his lordship did not persist, and the conversation ended.

THE PRINCE REGENT'S MESSAGE RESPECTING THE CONTINUANCE OF SEDITIOUS PRACTICES].—Lord Sidmouth presented the following Message from the Prince Regent:

"GEORGE *P. R.*

"His royal highness the Prince Regent, acting in the name and on the behalf of his majesty, has given orders that there be laid before the House of Lords, papers containing information respecting the continuance of practices, meetings, and combinations, in different parts of the kingdom, to which, at the commencement of the present session of parliament, his royal highness called the attention of the House, and which are still carried on in such a manner, and to such an extent, as are calculated to disturb the public tranquillity, and to endanger the security of the established constitution of these realms.

"His royal highness recommends to the House of Lords to take these papers into their immediate and serious consideration.

"GEORGE *P. R.*"

The Message having been read,

Lord *Sidmouth* observed, that it was with very painful feelings that he brought down a message of such a nature, but he trusted their lordships would do him the justice to believe that it was only the strongest sense of duty that could have prompted the advisers of the Prince Regent to counsel his royal highness to send down such a message. It was for their lordships to determine what course of proceeding should be adopted with regard to the message. They would probably not object to his first motion for an address to the Prince Regent, thanking his royal highness for his communication, and declaring their intention of taking the papers into their immediate and serious consideration; he trusted also that they would not object to the motion which he afterwards intended to make, for referring these papers to a committee of secrecy; but instead of a new ballot, he would suggest that the same members who had sat on the former committee should be invited to this, with the exception of a noble duke (Bedford), who was prevented by the state of his health from attending the former committee, and who had signified a wish that he might not be appointed on the present. The noble lord then moved an address.

Earl *Grey* said, he did not object to an address of thanks, but he wished it to be understood that he did not thereby pledge himself as to any ulterior proceeding.

The address was agreed to.

SECRET COMMITTEE APPOINTED.] Lord *Sidmouth* rose again, and observed, that he was not acquainted with any instances on the Journals in which a committee was moved for on the same day in which a message was brought down from the Throne; but the hands of parliament were not to be tied up, merely because there was no precedent for such a proceeding. The object intended by the usual course of moving for the committee on the following day was, to prevent the House from being taken by surprise. His noble friend had obviated such an objection in the present case, by giving notice of the day on which he expected to bring down the Message, and of his intention to move for the committee on the same day. No one, therefore, could say that the House was taken by surprise. If any other mode of proceeding than by committee was proposed, and an interval was necessary, in order to compare their respective merits, he would allow that such a consideration would furnish a good reason for delay; but no such proposal had been made. All they were called upon to do was, to pledge themselves to an immediate consideration of the subject, with which view he should move, That the papers be referred to a committee of secresy.

Earl *Grey* said, that the words "immediate consideration," used in the address, ought not to be understood as pledging any member to more than such an immediate consideration as was consistent with the known forms of parliament. The noble secretary of state had confessed that there were no precedents in his favour, at least he had stated none. The noble secretary had asked, what was to preclude the House from establishing a precedent? Certainly nothing, provided it were convenient or necessary; but in a most important measure, which was ultimately to affect the rights and liberties of the whole people of England, it was impossible to proceed with too much deliberation. If one question more than another required a strict observance of all forms, it was that now brought under the view of the House; the *onus*, therefore, did not lie upon him to prove the inconvenience of this needless dispatch, but the noble secretary was bound to show that there was some urgent and uncontrollable necessity, requiring the abandonment of the ordinary practice. The message, indeed, and the address, pledged the House to nothing; but they gave the country but too much reason to apprehend that a measure would be once more resorted to, which was not the true remedy for its distresses and its difficulties. He was willing to wait for the decision of the committee, hoping that it would proceed seriously and anxiously to make the most minute inquiries into the real state of the country; and hoping, too, that with the warning it had already received, it would not be satisfied upon any point, without the best evidence that the nature of the case admitted of the truth of the allegations. He trusted, too, that the members would attend more strictly than heretofore to the characters and conduct of those who supplied information; that they would not forget that they came forward in support of the measures of government, and to propagate rumours, hazardous, not merely to individuals, but to the state. If it should be found, on this new inquiry, that any part of the intelligence that influenced the former report had been given under any peculiar or disqualifying bias, he hoped it would now be rejected, and that the motives and situations of all the witnesses would not be left out of the account. The noble secretary had appeared at a loss what to say in favour of the re-appointment of the committee; he seemed at a loss for a reason; but he (earl Grey) would read to the House a paper, than which nothing more dangerous or inflammatory, nothing more calculated to produce disorder and commotion, had been laid before the previous committee: it was the copy of a hand-bill circulated in the city of Norwich during the late election, and in favour of the candidate who professed principles corresponding with those of his majesty's government. It began thus:—

"Englishmen, what has caused the high price of bread? A. The corn bill.—Q. Who aided that unjust and cruel measure which grinds the poor industrious man to the earth, and entails misery and starvation upon his helpless family? A. The man who takes the freeholders of Norfolk by the nose, and leads them where he pleases.—Q. Who oppressed the industrious little farmer, that virtuous and independent member of the community, and incorporated his land with his own, for the purpose of swelling his already bulky estate? A. The proud and unfeeling despot of Norfolk, who is a tool of others.—Q. Who is it that, by the enormously extensive use of machinery, not only in agriculture, but in manufactures, has reduced thousands to a state of pauperism, madness, and despair, which has led to the commission of crimes at which humanity shudders? A. He who takes upon himself the name and style of patriot.—Q. Shall this system have no end, or shall the feelings of mankind be still farther outraged and trampled upon? A. No! rise and do your duty."

He appealed to the House, whether any of the papers submitted to the last committee had been framed in a more diabolical spirit? Did it not touch upon all the topics of discontent? Did it not address itself to the lowest and the worst passions by which the species was degraded? The corn bill, a measure of government, was attacked; the employment of machinery was used as a handle for popular discontent. It had unquestionably the most dangerous tendency. He was informed that it could be proved, beyond doubt, that this nefarious publication had proceeded from a person with whom the noble secretary had held recently a correspondence; who was at the head of a society called the Knights of Brunswick—one of those political associations to which ministers had no objection, and which professed about the same principles in England that were promulgated by the Orange societies in Ireland, and a spice of which was contained in the hand-bill he had just read—principles, wholly incompatible with those established at that revolution which had seated the present family on the throne of these kingdoms. He hoped that the committee, if re-appointed, would not fail to investigate these matters; and that the imprudent and inflammatory productions of the supporters of the present system would not be forgotten, while every endeavour was used to detect the errors of those who had been active on the opposite side of the question. He made this remark because at the present moment government were holding out lures and incitements to informers of all descriptions, to bring forward budgets of falsehoods agreeable to their employers. What necessity had been shown for this irregular rapidity? The Habeas Corpus suspension bill did not expire until next month. Why could not this message have been deferred until the decision of the pending trials? These were questions to which no satisfactory answer had been given; and until they were answered, it would become the House to pause before it deserted its ancient and wholesome precedents. He was glad to find that the noble secretary did not mean to re-appoint the committee by ballot: he detested any thing like hypocrisy; and to pretend to name a committee by ballot, as if the choice were free from the influence of the Crown, was a fraud and an insult upon the people of England. A ballot was, in truth, the most convenient mode by which ministers could select the friends they wished to be nominated. He would, therefore, move the previous question.

The Earl of *Liverpool* said, that his noble friend had not asserted that no precedent existed for the step proposed, but that he was not at that moment prepared to produce one exactly analogous. It could not be alleged that the House was taken by surprise, because even notice of the message (a course not usually adopted) had been given. The very appearance of the House, the fulness of the benches, was an evidence that more than formal business was expected. The postponement of this motion for even a day or two, at this late period of the session, might be attended with great inconvenience. Nothing but a strong sense of duty could have induced ministers to adopt a course so unpopular. Whatever odium might attach to them in consequence, they were ready to sustain: they had acted under a conviction of duty, and from that duty they would not shrink. The noble earl had alluded to the report of the former committee, but he could say, that that committee was so constituted, as to embrace persons of different political opinions, and that notwithstanding much difference upon other points, they were all unanimous in recommending the suspension of the Habeas Corpus act. The noble lord had also alluded to a proceeding which had taken place at a contested election. He had never heard of the hand-bill until the noble lord had produced it; but he was surprised to think that any one could suppose it agreeable to the government when the corn-bill, which was brought in by that very administration, and which was only supported by the silent vote of the individual alluded to, was made the subject of animadversion. All hand-bills, calculated to inflame the minds of the populace, should ever be reprobated by him; but, it was well known that such publications would take place at popular elections. He trusted that the lesson would be felt; but could see no reason for agreeing to the motion of the noble earl.

Earl *Grosvenor* heartily joined in the regret expressed by his noble friend that the royal message, threatening such dreadful consequences, had been sent down to parliament. Under such circumstances, all due forms ought to be rigidly observed. A departure from the established practice might be attended with the most dangerous consequences, as on some future occasion the proceedings of that night might be quoted as an authority, when the ministers wished to carry in haste some arbitrary and unconstitutional measure. Under the present circumstances, such a neglect of established forms could not but be viewed with an eye of suspicion.

Earl *Spencer* acquitted the noble secretary of all intention to take the House by surprise: the notice of the message put an end to all doubt upon that point. The question was only this—whether on a subject of such magnitude, the reference of the papers to the committee should be postponed for two days: and recollecting the measures to which the report of the former committee had led, he would say, that if many precedents had been adduced in favour of precipitation, he should have deprecated any obedience to them: no number of precedents could satisfy him that the House should renew, without the utmost caution and repugnance, a measure giving powers unknown to the constitution to individuals who might abuse them. True it was, that the House had not been taken by surprise; but although previous notice of the message had been given, that would not appear upon the Journals; so that in after times the proceeding of this night might be quoted as an authority, not merely for voting an address, but for immediately, and without inquiry, referring papers sent down with it to a committee of secrecy. Might not such a precedent be employed on some distant occasion for the most dangerous purposes? Had the noble secretary stated any peculiar urgency; had he told the House that an insurrection had broken out, or even that it was apprehended, it might have been proper to proceed with all possible dispatch. On the contrary, ministers had themselves delayed for ten days, and then they called upon the House to make up for the time they had lost, by the abandonment of its acknowledged rules. If the message had merely referred to an individual, he should have objected to such needless precipitation; but when it respected the rights and freedom of the whole nation, he could not but resist it to the utmost of his power. With regard to the composition of the late committee, it was, in his opinion, unobjectionable. For all the noble lords, who were members of it he had great regard, but for some he entertained a more particular respect. Their lordships would not be at a loss to understand that he alluded to those noble lords with whom he was accustomed to act. He confessed, at the same time, that he could not see sufficient ground, so far as his own knowledge went, for the measures which had resulted from the appointment of that committee: but at the time the report was made, he considered himself bound to respect the authority whence it proceeded. Circumstances, however, soon occurred which excited greater doubts in his mind than he had before entertained on the subject; as they threw, he thought, discredit on some of the statements of the report. All this was calculated to render him more unwilling to give his assent to any new measures of the same kind. He hoped, therefore, that in the inquiry about to be gone into, care would be taken that the facts stated should be well ascertained, and that their lordships would not be satisfied with the mere declaration of an opinion without strict investigation. The measure now proposed was of infinitely more importance than that which they had already adopted. They were now asked to do away the most important privilege of the constitution, not merely for a limited time, and during the sitting of parliament, but for an unlimited time, and whilst parliament was not sitting. If there was a real necessity for the measure, let that necessity be clearly shown; but he trusted parliament would not agree to any restraint on the liberty of the subject without clear and satisfactory proof of that necessity. As to the present question, he objected to the precedent which the mode of proceeding proposed by the noble viscount would establish.

The Marquis of *Buckingham* thought the present question had nothing to do with the inquiries which were to be the objects of the consideration of the committee, and ought to rest entirely on its own merits. Their lordships had not now to make up their minds as to the necessity of any measures, but to decide whether there should be a committee or not. Sufficient notice had, in his opinion, been given; and what their lordships had now to consider was, whether a *prima facie* case had been made out for any committee at all. Now, he must contend, that such a case had been fully made out by the report of the former committee. The first duty of parliament, when such a communication as that which had been delivered was brought down from the throne was, to take care that not a moment should be delayed in entering on an inquiry. If no necessity existed for the measures now in force—if the state of the country was no longer what it had been proved to be—their lordships ought not to let a moment elapse before the laws which had been passed were repealed; but when the ministers of the Crown stated that a necessity for the continuance of those measures did exist, it was the duty of the House to enter into an immediate inquiry on the subject.

Lord *Holland* was not a little astonished at what had fallen from his noble friend. The noble viscount regretted to have to bring down messages like that which had been that day submitted to the House, though he contended for the necessity of the measures he proposed. That he should be anxious for forwarding his measures without delay was what he could easily conceive, but he could not understand why other noble lords should show an extraordinary impatience for the continuance of measures, the object of which was to subvert that system of liberty which had been established and maintained by our ancestors. It was true, the noble lord had given ten days notice that he would bring down the message; but this had nothing to do with the present motion, which was a mere dry question of precedent. The noble lord who had brought down the message considered a question of precedent as of very little moment. He disdained to be bound by considerations of so dull a nature as mere matters of form. He (lord H.) confessed, however, that he did not think so lightly of the subject. He could not carry his mind to that flight of Pindaric irregularity which the noble viscount appeared to have attained. Other noble lords, not so totally careless about precedents, had called for proof of their being none. Now it was singular enough that the *onus probandi* should be expected from those who said there were no precedents, rather than from those who asserted that they did exist. But his noble friend had said there was a *prima facie* case made out for the continuance of the measures proposed by ministers. This reminded him of the transition from war to peace—though that transition had now lasted, if not so long as some wars, at least as long as many a peace—being cited as a reason for the continued distress of the country. Now, the report of the last committee was to be taken as *prima facie* evidence of the continuance of disaffection. The next report would afford a new *prima facie* evidence; and so they might go on *ad infinitum,* without ever wanting a ground to deprive the people of their rights and liberties. What had passed with respect to the late report, would, he hoped, convince any secret committee that might henceforth be appointed, of the necessity of investigating with the greatest strictness the validity of the evidence submitted to their consideration. Their lordships remained without any information as to the persons who had been examined; and though it had been offered to be proved at the bar that statements in the report of the committee were incorrect, the evidence so offered had not been accepted. From these circumstances it was to be concluded that the report had not been the result of a fair inquiry; and that must be a very good reason with plain men for saying, that such a report could not be *prima facie* evidence of the necessity of continuing the suspension of the Habeas Corpus act. The ministers had asserted that great danger to the constitution existed; they had asked for extraordinary powers to enable them to avert that danger. Great and extraordinary powers had been granted them, and they had possessed them for three months; but instead of removing the danger, as they pretended they would, they ask for the continuance of the same powers. This was a proof that the cure to which they had resorted was not the proper remedy for the disease. On these grounds he should oppose the motion for appointing the committee.

The Marquis of *Buckingham* stated, in explanation, that he had been misrepresented, no doubt unintentionally, by his noble friend, as his desire for the speedy appointment of the proposed committee proceeded from an anxiety to ascertain whether it was necessary any longer to suspend the privileges of the people.

The motion was then agreed to.

Lord *Sidmouth* said, that as their lordships had agreed to refer the message of the Prince Regent, and the papers which accompanied it, to a committee, it was now necessary to consider in what manner that committee ought to be appointed. The usual mode in which former secret committees had been appointed was by ballot; but that mode required the preparation of glasses, and the depositing of lists, which would occasion considerable delay. He thought, therefore, that immediate nomination would be more consistent with the course which had been taken. The noble viscount concluded by moving the names of the noble lords who composed the former committee, but substituting the earl of Talbot for the duke of Bedford.

Earl *Grey* said, that though a ballot required glasses, lists, and various preparations, which would occasion a delay, he did not consider that objectionable. When it was proposed to continue the suspension of the Habeas Corpus act, it was the duty of the House to proceed with the greatest caution, and every delay was therefore an advantage. The noble earl concluded by proposing lord Rosslyn instead of the earl of Talbot, as a substitute for the duke of Bedford.

Lord *Holland* had no objection, personal or political, to the noble earl who had been proposed by the noble viscount; but as it was understood that that noble earl was going to Ireland, he did not think him on that account the most proper person that might be chosen. Ireland was the only part of the empire to which ministers had not thought it necessary to extend the benefit of their precautionary measures; and why a noble earl who was about to proceed to that part of the United Kingdom should be appointed on this committee he could not see, unless it was wished that he should take a lesson as to the manner of getting up measures of this sort before he proceeded thither.

The motion was agreed to.

Earl *Grey* said, that as the learned lord on the woolsack had much business to do in the court of chancery, it would be most unfair to throw a new duty on him to examine the papers to be laid before the committee; he should therefore move that his name be omitted, for the purpose of introducing that of the earl of Rosslyn.

The motion was negatived, and the committee, as proposed by lord Sidmouth, agreed to.

RIGHT OF MAGISTRATES TO VISIT STATE PRISONERS.] Lord *Holland* said, he should now proceed in a motion, of which he had given notice. He had a charge against the noble secretary of state, heavier than that of dispensing with precedents; it was a charge that he had assumed a power to dispense with the written laws of the land. An act, it was known, had been passed that session, commonly called the suspension of the Habeas Corpus, but which more properly might be called, an act divesting persons of their right of being brought to trial within a limited time. By that statute the secretary of state was invested with the power of keeping any person charged with certain offences, in prison, and of transferring him from prison to prison; but the law gave no other power nor took away any power with which he was previously invested. A few days since he had met with a correspondence in a public journal, between some magistrates in Berkshire and the secretary of state, with respect to the conduct to be pursued to some state prisoners in Reading gaol. He did not understand how these gentlemen had thought fit to apply to the secretary of state. They had to act on their own responsibility, and it was their business to become acquainted with their duty from their own legal research: the secretary of state was no authorized expounder of the law. So it was, however, that these magistrates had sent to the noble secretary a series of queries, to which the noble secretary had returned a series of answers. These queries he should read. Some of them were repugnant to his ideas of humanity; but one was, as he believed he should make clear to every man's mind, utterly illegal:—

" Q. May magistrates generally of the county of Berks visit the state prisoners in common with other prisoners, which they are privileged to do, and ask questions, and enter into conversation with them? A. No, except upon special reasons being assigned, which must be submitted to and be judged of by the secretary of state.—Q. If state prisoners may have a copy of official directions to gaolers? A. No.—Q. If state prisoners may have free use of pen, ink, and paper, under certain restrictions, as ordered by the official directions? A. Vide official directions, which must be strictly observed.—Q. If they may read the public London or provincial newspapers, under certain restrictions? A. No.—Q. If they may have books to read from circulating libraries? A. Such books as are approved of by the visiting magistrate.—Q. If they may have wine, or strong beer, or ale, in limited quantities at their own expense, or that of government? A. What quantity is desired?—Q. If through the day they be confined in solitary cells, and at night in better apartments, if such can be procured by magistrates for them? A. To be confined in such manner as has been usual, and in such apartments as have been heretofore allotted to state prisoners."

It was to the first query and the answer that he wished to direct the attention of the House. The latter ones he thought were harsh, and he did not see what right the secretary of state had to send down his official directions as to the management of prisons; it might be the practice, it might be the law; but he had yet to learn where that law or that practice was to be found. It was harsh to prevent those persons from reading newspapers. It had also been said, that in whatever places persons might be confined under the suspension of the Habeas Corpus, they would have the right of petitioning the Crown or parliament. But this would be nugatory, if the persons were not allowed to have a copy of the official directions to the gaolers, to see the conduct which those persons were bound to observe towards them? These regulations, he conceived, were dictated by a harsh spirit, but he wished it to be understood that he did not mean to rest his motion on that part of the case. It was on the first query, and the answer to it, that he grounded his motion. He should now read a section of the statute 31st of Geo. 3rd chap. 46. His lordship then read the section of that act, which enjoins "that justices of the peace shall, at every general or quarter-sessions, appoint two or more visiting justices, who shall personally visit the common gaols, houses of correction, and penitentiary houses, at least three times in the quarter of the year; shall take cognizance of the habits and condition of the prisoners, of the state of the prisons, and of the conduct of the gaolers; and shall give redress according to the circumstances that come under their view; that the visiting justices shall, at every quarter-sessions, report their compliance and their observations; and that the chairman of the quarter-sessions call upon them for such report." This was imperative on the visiting justices. There was another clause, giving power to all magistrates to visit the prisons as often as they thought fit, and to report thereon to the sessions, when any abuses required intervention. Nothing could be clearer than these provisions, or more directly in opposition to the authority which the noble secretary had assumed of excluding the magistrates from the prisons in question. This correspondence, he understood, had thus arisen—two respectable magistrates had applied to be admitted to the prisoners, but had been shown the official directions by which they were ordered to be excluded: and another magistrate had made a similar application, and had been met in a similar manner. The visiting magistrates had consequently written to the noble secretary for information in the new character he had assumed of expounder of the law, and had received the answer which he had read. He could not conceive a more unconstitutional measure than this habit in the secretary of state of dispensing with the law, and of directing his usurped authority to prevent the justices from doing what by law they were commanded to do. This was in direct contravention of the Bill of Rights, the two first articles of which (repeating one another, in a manner which showed the anxiety of our ancestors on this subject) declared that the law could not be dispensed with, except by authority of parliament. With this act staring him in the face, why had not the noble secretary boldly applied to parliament, if he had found the law insufficient—if he had found its antiquated provisions so entirely repugnant with the spirit of the new system introduced by the suspension of the Habeas Corpus? Yet this noble lord, who had that night so summarily disposed of precedent—who had, on a former occasion, taken on himself to call on the justices to act, not on their own knowledge, but on his letter—had told them, without thinking it worth while to allude to the act of parliament, that they were not to do what by that law they were commanded to do.—The two first articles of the Bill of Rights, and the section of the 31st Geo. 3. cap. 46, having been entered as read, the noble lord moved for "Copies of all Communications from the magistrates of the county of Berks, to the principal secretary of state for the home department, respecting their right to visit prisoners, confined for crimes against the state, in the gaol of Reading, with the Answer of the secretary of state thereto."

Lord *Sidmouth* said, he had been charged with having assumed an authority, and having harshly exercised it. In the performance of the arduous duties he had to discharge, he had always taken the advice of the law officers of the Crown, and by their opinions he had been guided; though he begged to be understood, that he did not wish to throw off from himself the responsibility of the line of conduct he had adopted. As to the gaols of the kingdom, he had always understood they were his majesty's gaols, and that it was a part of the king's prerogative to give orders for the government of those gaols, which power was only restrained by justice, humanity, and the law of the land. The clause in the act of the 31st of the king could in no wise affect the prerogative, as that could not have been done without special enactment. The course taken with regard to state prisoners was always different from that pursued with other prisoners. Persons in general were merely committed to the custody of the gaoler; in state offences the warrant expressed it "to close and safe custody." The privy council or secretary of state by whichsoever they had been committed, made regulations for their treatment; and when the prisoners were brought under the cognizance of the court of King's-bench by indictment, or by a bill found by the grand jury, that court had always observed the greatest caution. Lord Holt had decided, that a wife could not see her husband confined on a charge of treason without other persons being present. Lord Raymond had decided that near relatives could not visit but in similar circumstances. The suspension of the Habeas Corpus had enabled the secretary of state to commit several persons for high treason, and to him belonged the right of giving all directions concerning them. In the exercise of this right he had consulted the first legal authorities in this country, and in no degree exceeded the powers they thought him entitled to. As to the case referred to, it had not been the exclusion of the visiting magistrates which had caused the application. Some other magistrates had taken occasion to go to the prisoners, upon which the visiting magistrates had applied to him to know what course they were to pursue. In his answer, he contended, he had neither transgressed the law, nor acted harshly. He admitted the House should entertain a constitutional jealousy; but unless there was a presumption that he had acted illegally, and it was intended to cast an imputation on him, he trusted the House would not accede to the motion, or hold out to the country, that there was any foundation for the attack which had been made on him.

Earl *Grey* was of opinion that a more mitigated answer could have been given to all the questions. With respect to papers and books, there seemed to have been a very unnecessary degree of rigour and severity exercised. But whether the noble lord had exceeded his powers, the act of parliament was express and decisive. One clause was explicit, actually compelling magistrates to visit prisoners. Another was equally explicit, empowering them to visit. He had felt very curious to hear the noble secretary's answer to this point. The act had appeared to him evident and distinct; and unless the noble lord could cite some subsequent statutes to justify his conduct, it had appeared to him that his conduct was in direct contravention of a public statute made to protect prisoners from undue harshness and injustice. What answer, then, did the noble lord give? Usage was appealed to. Lords, Holt and Raymond were eminent and distinguished judges. But the decisions referred to were not in point. They regarded quite a different principle. The noble lord ought to have shown that they had prevented magistrates from visiting gaols; but even then the authority was not in point, because they lived prior to the 31st George 3rd. Since that period nothing was stated to have been enacted to alter the statute. If any usage could be shown against it, the power of this express law was sacred and conclusive; but no usage was in any shape brought forward to justify the noble lord's conduct. But prerogative was appealed to as being above acts of parliament. This was a new and extraordinary doctrine. The manner, too, in which the noble lord availed himself of this argument deserved attention; gaols were the king's gaols, and, therefore, state-prisoners were subject to the arbitrary regulations of the secretary of state! If this argument applied to one gaol, it applied to all gaols; if to one prisoner, to all prisoners. All gaols were the king's gaols, and all prisoners were the king's prisoners. How was it possible to make any distinction? The prerogative must be equally applicable to all. It could not be pretended that the legislature had passed a law of this kind, and excepted state prisoners. State prisoners were rather the objects of peculiar protection; and an act would be found passed by the legislature with an exception in their favour. Abuse he conceived it proper in all cases to guard against. He did not know whether there was abuse in this case; but they were told that the secretary of state had done what on the face of it appeared to be in contravention of an act of parliament. If the noble secretary did not give something better than the opinion of the law officers of the Crown, he would put it to their lordships whether prerogative could be a valid defence for violating an act of parliament. The question was, whether the prerogative gave such a right. But the noble lord here again precluded inquiry by urging that a presumption of blame would arise if an order for the production of the papers in question stood upon their Journals; and he claimed a degree of confidence from their lordships, as necessary for discharging his duties with satisfaction to himself, and benefit to the country. He (earl Grey) on the contrary, contended, that a constitutional jealousy that would not sleep was not only wholesome but necessary. The motion went merely to inquire into an apparent contravention of an act of parliament. The fair inference from such a charge, *prima facie*, was, that their lordships could not dismiss it without farther inquiry. If the noble secretary should be found to have acted conformably to his powers, he would stand acquitted and absolved, and their lordships sentence would relieve him from blame; but because an inquiry implied that the noble secretary might have acted illegally, they could not enter into an inquiry! This was a proposition, he trusted, which their lordships would never admit. All they wanted was information. The noble secretary was charged with a departure from the line of conduct prescribed to him by law; their lordships could not, without a departure from their duty, refrain from calling upon him for his justification. He felt now more anxious than ever for an inquiry, in consequence of the plea set up by the noble lord.

The Earl of *Liverpool* said, it was impossible to read the 31st George the 3rd, and to suppose that it ever was meant to apply to state prisoners; it was merely intended to regulate gaols and penitentiary houses in ordinary cases. His noble friend had acted in exact conformity to the uniform practice which had taken place since 1791, with the exception, that under his superintendence more leniency had been shown to the prisoners than they formerly experienced. They had, therefore, an experience of 26 years in their favour, during which time the Habeas Corpus act had been several times suspended. Before the 31st of the king there were other acts regulating the power of justices of peace with regard to gaols; but the provisions of these acts were never supposed to restrain the power of the Crown with respect to state prisoners. It was impossible, in the nature of things, that the provisions of the act of 31st could be meant to apply to state prisoners. It never was in the contemplation of those persons who brought it in, or those by whom it was passed, to deprive the secretary of state of the power of regulating the treatment of state prisoners. He contended, therefore, that his noble friend was justified, by the understanding of parliament, and by all the law authorities, in acting in the manner he had done.

The Earl of *Rosslyn* thought it his duty to look at the expressions in the act itself. In this he was borne out by the noble secretary of state, who, on a former occasion, had observed, that it was not the meaning of the movers and supporters of an act that was to be looked at—but that they were to look at what the law really enacted. Looking at the act, on that principle, he could find none of the exceptions with respect to state prisoners. It gave the magistrates certain powers as to all persons confined in prisons. To take away any of the privileges of the magistrates would, in his view, be acting against the law. If the noble lord could show him that any case on the subject had ever been brought fairly into discussion by a judicial proceeding, and had been decided according to his opinions, he might yield to his arguments and construction; but it did not appear that any such case could be adduced.

The *Lord Chancellor* felt it necessary to preface any observations which he might make with the same protest which he had made on a late legal question in that House—he meant, that he must beg not to be concluded or bound by any remark which he might give as a member of that House. The plain reason for such a protest was this—that as that House was the *dernier resort* of all questions of law, it was important that the ultimate decision should not be prejudiced by any *obiter dictum* on an accidental motion. It was the less necessary that he should interfere with any opinion, because there was a regular remedy for any abuse of the existing law. If the gaoler did wrong, he might be proceeded against by action. He did not mean to say that the liberty of the subject was not a question deserving the gravest discussion of the House; but he should wish, if so important a subject was under agitation, that due notice should be given. At present he was taken somewhat by surprise, and therefore was not prepared with such authorities as he should have collected, had he expected to be called upon for them. As it was, he must say, that it would be much better to introduce a bill, to declare formally the law on this subject. One thing he could state, which bore strongly on the present question; and this was, that, in point of law, every gaol in the kingdom was the king's gaol, and therefore under the royal control. He could say that, in 1793 and 1794, it was never thought for a moment that the king's counsel or the secretary of state had not the power of giving advice as to the regulation of prisoners: he was perfectly sure that regulations and directions were issued from day to day. He was ready to admit that no right of the subject should be taken away, except on the most mature deliberation, and after a perfect conviction of its necessity; and in the present case, if he had not been taken by surprise, he would have gone into the fullest consideration of the subject: as it was, he must say, that the prerogative of the Crown should, no more than the liberty of the people, be taken away without the most attentive investigation. For these reasons, although he attached the highest importance to the treatment of prisoners, he must object to the present motion, on the ground that the evil sought to be remedied should be made the subject of a particular bill, and should not be concluded by a mere motion of that House.

Earl *Spencer* conceived the main point to be, whether the magistrates should be deprived of that power of visiting prisons which had hitherto by law belonged to them. The learned lord would perhaps recover from that surprise which he at present professed, if the question were adjourned to another day: he would then be able to give it that consideration which he had maintained to be necessary for a right decision of so important a point: with this view, therefore, and because he thought the question one of the highest moment, he should move to adjourn the consideration of the question to Monday next.

Lord *Holland* said, that the main point now before the House was, whether the noble secretary was justified in suspending the right hitherto possessed by magistrates of inspecting all the gaols of the kingdom. The noble lord had admitted that the justices were enabled, under the act, to visit the gaols; but he seemed to contend that it was a part of the king's prerogative to keep them out of the gaols. He had called the gaols, the king's gaols, and seemed to consider them exclusively under the jurisdiction of his ministers; but the same language might be held of the army, the navy, the courts of justice, and of many other portions of the executive. It was in common language the king's army, the king's court, the king's navy; but no one ever contended that on that account these branches of public service were exempt from the ordinary operation of the laws. The reasons applied by the secretary of state for exemption from the provisions of this act went equally to sweep away the authority of all acts of parliament. In other cases, indeed, the noble lord had been ready enough to allow the magistrates a power of expounding acts of parliament, but the moment this power might interfere with the exercise of his own authority, he contended that they ought not to be allowed to exercise it. It was no argument to say that the act was an unreasonable act: it stood as the law of the land, and as such could not be departed from. When a pretence had been set up for the suspension of our most valuable rights, it more than ever became the legislature to inquire into the exercise of these new authorities. He could not allow that the practice pursued since 1791 furnished any reason for what had now been done. The point he wished to bring before their lordships was, not whether this business was warranted by precedent, or even whether it was legal, but whether, in the very teeth of an act of parliament, it was competent to the secretary of state to tell the magistrates that they were not to visit the gaols within their jurisdiction.

The amendment was negatived.

The original motion was then put, and was also negatived.

Protest respecting the Right of Magistrates to visit State Prisoners]. The following Protest was entered on the Journals:

Dissentient,

1st. Because it was acknowledged in debate, that in the correspondence moved for, his majesty's secretary of state refused permission to certain justices of the peace for the county of Berks "to visit the state prisoners confined in the gaol of Reading, to ask questions of them, or to enter into conversation with them;" and it is expressly enacted in the fifth section of an act of the 31st of the present king, intituled, "an act for the better regulating of county gaols and other places of confinement," 'that certain justices of the peace appointed by the general or quarter sessions shall (either together or singly) personally visit and inspect both the common gaols and other the houses of correction or other places of confinement, at least three times in each quarter of the year, and oftener, if occasion shall require, and shall examine into the state of the buildings, and the behaviour and conduct of the respective officers, and the treatment and condition of the prisoners; and furthermore shall at any general or quarter sessions make a report in writing of the state and condition of the same, and of all abuses which may occur to their observation; and the chairman of the said sessions is hereby required to call upon the said visitors for such report;" it moreover in the same section expressly declared, that "it shall be lawful for every justice of the peace for such county, riding, or division of his own accord, and without being appointed a visitor, to enter into and examine the same at such time or times, and as often as he shall think fit, and if he shall discover any abuses therein, he is required to report them in writing at the next general or quarter sessions of the peace."

We could not reconcile it to our duty to reject all further inquiry into the violation of a statute neither obsolete nor ambiguous, and when we adverted to the quarter from whence such disobedience to the law had originated, we deemed ourselves called upon to protect one of the most essential rights of the people, vindicated at the revolution of 1688, and asserted in the act of the first of William and Mary, namely,

1. "That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

2. "That the pretended power of dispensing with the laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal."

Secondly, Because the argument urged in debate, that the prerogative of the Crown extends to the regulation of all his majesty's gaols, and that consequently no act of parliament relating to them can, without reciting the previous consent of the Crown, be imperative against the mandates of a secretary of state, appears to us unfounded in principle, inconclusive in its application, and highly dangerous in its consequences.

A prerogative, however undisputed, cannot, we presume, counteract the force of an act of parliament, sanctioned by the three branches of the legislature, and consequently consented to by the crown.

The justices authorized by the 31st of the king to visit the common gaols of their respective counties, do not, by complying with the act, alter any regulations made by his majesty; they act under his commission; they are removable at his will, and they are permitted, and in some cases required, to enforce the regulations for gaols, issuing either from the Crown in virtue of its prerogative, or from any other lawful authority. The provisions, therefore, of the 31st of the king, cannot interfere with the prerogative of the Crown to whatever extent that prerogative may be supposed to exist.

If the claim of unlimited prerogative is to be set up in all institutions, which, in the language of the law, belong to the king, and if the laws of the land, after passing the two Houses of parliament, and receiving the royal assent, have no power to limit that prerogative, then in all things relating to the army, the navy, and the courts of justice, the dispensing power, which our ancestors struggled to extinguish, is revived, and the securities devised for our property, our liberties, and our lives by the wisdom of parliament exist only at the mercy of the advisers of the Crown—a system which would substitute arbitrary will for positive law, convert parliament itself into a useless appendage of a court, and our free constitution into an absolute government dependent on the caprice of a monarch and his advisers.

Thirdly, Because the law does not enact, nor does reason require any difference of treatment between state prisoners and other prisoners committed to a common gaol; and should the exigencies of the state require such difference to be made, the secretary of state has it in his power to commit in the first instance, or afterwards to convey such prisoners to fortresses and other places of confinement more immediately under the direction of the advisers of the Crown, and not, as we apprehend, included in the provisions of the 31st of the king.

Fourthly, Because no practice previous to the passing of the act, and none subsequent to it (if any such were pretended), can justify his majesty's secretary of state in departing so entirely from its spirit and its letter, as to prevent the magistrates from executing duties plainly enjoined, and from exerting powers without any reserve or exception conferred upon them by an act of parliament, clear in its construction and consistent in its provisions; and when this branch of the legislature has so recently been called upon to concur in the temporary suspension of the most valuable laws of the land, we felt it more imperiously our bounden duty to watch over the statutes which are still permitted to exist, and to enforce an obedience to the remaining laws in those who are entrusted with the execution of them, and already invested with powers so extraordinary, and so liable to abuse.

ROSSLYN.
LAUDERDALE.
MONTFORT.
VASSAL HOLLAND.

HOUSE OF COMMONS.

Tuesday, June 3.

The Deputy Usher of the black rod appeared at the bar, and commanded the attendance of the Commons in the House of Peers, to hear the royal Commission read. The new Speaker accordingly went forth, attended by a considerable number of members. On his return,

The *Speaker* addressed the House as follows:—" I have to acquaint the House, that this House has been in the House of Peers and heard the commission read by his majesty's commissioners, and that his Royal Highness, acting on behalf of his majesty, had been graciously pleased to signify, through those commissioners, that he approved of the person whom they had elected as their Speaker. I trust I may be permitted, on this occasion, to avail myself of the opportunity once more to assure the House how deeply sensible I am of the honour its members have bestowed on me, by electing me to a situation so highly honourable to him upon whom it may devolve. For the incalculable favour they have thus bestowed upon me, and the confidence with which they have honoured me, I feel those sentiments of gratitude which it is not in my power to express. I am conscious, but too conscious, I shall have often to appeal to their indulgence; and for that indulgence I am assured, that so long as I shall endeavour to the best of my abilities faithfully to discharge my duty, I shall never have to appeal in vain. It shall be my study and solicitous endeavour to support the regulations and orders of this House, and maintain those rights and privileges, which I consider no less necessary for the safety of the people than for the very existence and well-being of parliament. Perhaps I may be permitted, on this occasion, to suggest to the House, that most of the Orders have dropped, and it will be necessary to revive these dropped orders before the House proceeds to dispose of any fresh business."

The several dropped orders were then resumed.

BREACH OF PRIVILEGE — POLICE REPORT.]—Mr. *Bennet* rose to mention a circumstance which had occurred, of a Sunday paper having printed the whole of the report of a committee of that House, which had sat to inquire into the police of the metropolis. He did not mention it, with any desire to make a complaint against the editor of the paper in question, but merely to bring under the consideration of the House the negligence of those whose duty it was, to keep such documents from public circulation till regularly delivered to the members [Hear, hear!]. At the present moment, he believed, not one copy of that report had been issued for the use of the members. He knew that, for himself, he had only an imperfect one.

LISTS OF WITNESSES SERVED ON THE PRISONERS IN THE TOWER.]—Mr. *Curwen* said, he rose to move for a paper, to the production of which he apprehended there would be no objection. He had availed himself of the privilege which every member possessed of bringing forward a motion, without previous notice, because the importance of the subject was such, in his opinion, as justified that course. It related to what was of the most immediate interest to the people of England, being nothing less than the pure distribution of criminal justice. It was the duty of that House at all times to watch with jealousy the proceedings of the executive government, and particularly so at the present moment, when the constitution of the country was in abeyance, and the rights and liberties of every man in it at the disposal of ministers. By the law of treason, which had always been represented as one of great wisdom and justice, it was required that the lists of witnesses, who were to be summoned, should be delivered to the accused, ten days previously to their trial. But if it should appear, that not more than 41 witnesses were examined to find the bill against them, what would the House think, when lists of 240 witnesses were served upon the prisoners, as the number of those who were to be arrayed against them on their trial? Individuals who were indicted for high treason, had to contend not only against strong prejudices, but against the power of the Crown. That was enough to create jealousy in any mind, but still more so in his, who remembered the introduction of the traitorous correspondence bill in 1793, when it was proposed to substitute felony for treason. The question was then argued, and profoundly argued, by one of the greatest men that ever sat in that House, he meant the late Mr. Fox, who contended that the privilege of knowing the witnesses who were to be summoned, was of the utmost importance.

Lord *Castlereagh* here rose to suggest to the hon. member, the expediency of abstaining from entering upon the discussion at that moment.

Mr. *Curwen*, in continuation, said, he should undoubtedly be disposed to give way, if he did not feel it an imperative duty to bring the matter forward. On the occasion, to which he was alluding, he heard Mr. Pitt declare, that the privilege in question was, in fact, no privilege, because it might be abused. He (Mr. C.) had called the attention of the House to that declaration, and it received in consequence, the reprobation of the House. Was it, then, to be endured, that they should now act upon a principle, which was then condemned! There never was a time when that House was called upon to exercise a greater jealousy than at the present moment. With respect to treasonable practices, he had no doubt there might be some individuals who were culpable, but as to an organised conspiracy for overturning the constitution, he did not believe that any such existed. What must be the kind of treason, he would ask, that required 240 witnesses to establish it? The calling so many witnesses could be for no other purpose but to prevent the individuals from knowing precisely who were to be brought against them. If the thing had been done without the knowledge of the Crown, it was time a remedy should be applied, and the prisoners have the full benefit of knowing exactly all who were to be examined against them. He hoped no report would be made from the committee about to be appointed, till the individuals who were arraigned, were brought to trial, and their trial concluded. He then moved for "copies of the lists of witnesses served on the prisoners in the Tower, now under arraignment for High Treason."

The *Attorney-General* [Sir Samuel Shepherd] began by distinctly disavowing any intention on the part of those concerned in the prosecution, to embarrass the prisoners by an unnecessary increase of the witnesses to be called. It was true there were a great number, and the number was great because the law had made it imperative to state the name and description of every witness whom, in the course of the trial, it might by possibility be found expedient to call. The necessity for including in the list all persons who were likely to be examined, was obvious. It sometimes happened in the progress of a cause, that particular circumstances came out which it was necessary to confirm by positive evidence, but which, at the commencement, it never occurred to those concerned in it, it would be requisite to bring forward. When, therefore, the law said that a list of every witness intended to be called should be furnished to the prisoners, the law also said (or at least that inference was fairly deducible), that no witness should be called whose name could not be found in the said list. Surely, therefore, if due credit were given for integrity of intention to those who had the conducting of the present prosecutions, it would be presumed that they put into the list of witnesses, not only those names which they supposed they would have to call, but those, likewise, which they considered there was the slightest possibility of being obliged to call. The parties concerned in the prosecution would disdain to augment unnecessarily the number of witnesses, for the purpose of perplexing the prisoners. It would be an unpardonable negligence not to provide themselves with a host of witnesses, if he might so call it, provided they previously acquainted those against whom that host was arrayed. He firmly believed there was not one witness in the list, to whom some knowledge of some fact was not ascribed, and which it might not be proper to elicit [Hear, hear!]. He should therefore venture to oppose the motion of the hon. member, because at this time the agitation of such a question could not tend to the furtherance of justice; but, on the contrary, was calculated to prejudice its unbiassed administration.

Mr. *Curwen* said, that after what he had heard, he did not wish to press the matter.

The motion was then withdrawn.

Lord Castlereagh presented a Message from the Prince Regent relative to certain seditious practices, similar to that presented this day to the Lords (see p. 859). It was ordered to be considered on Thursday.

PRINCE REGENT'S MESSAGE RESPECTING LORD COLCHESTER.]—Lord Castlereagh presented the following Message from the Prince Regent;

"GEORGE *P. R.*

"The Prince Regent, acting in the name and on the behalf of his Majesty, thinks it right to inform the House of Commons, that having taken into his consideration the eminent and distinguished services of the right hon. Charles Abbot during the long and eventful period in which he has filled the situation of Speaker of that House, has conferred upon him the dignity of a baron of the united kingdom by the title of Baron Colchester, of Colchester, in the county of Essex; and the Prince Regent recommends to the House of Commons to enable him to make such provision for Charles lord Colchester, and for the heir male of his body who may next succeed to the title, as shall, under all the circumstances, be judged just and reasonable. GEORGE *P. R.*"

Lord Castlereagh then gave notice that on Thursday next he should move a vote of thanks to the late Speaker. The Chancellor of the Exchequer moved, that the Message of the Prince Regent respecting a provision to lord Colchester, be taken into consideration on Thursday next.

Mr. *Wynn* expressed his astonishment at the mode of proceeding adopted by the advisers of the Crown on this occasion. No body would concur more willingly in a vote of thanks to lord Colchester than himself, because it appeared to him to be a just and necessary proceeding: but why did the Crown interfere to prevent the House from going farther, and from originating any other reward which was due to his acknowledged merits? His services had been performed in that House, and from that House, therefore, ought their recompense to proceed. The only similar case was that of Mr. Speaker Onslow, and in that case the proceeding was initiated by an address from the House to the throne. This was not a mere question upon a point of form; it was not a matter of indifference that persons sitting in that chair should be accustomed to look to the Crown for the reward of their exertions in it. Strictly speaking, the Crown could know nothing of what passed in that House, nor be able to appreciate the merits of the Speaker in the discharge of the duties of the chair. Had the message been preceded by an address, every objection would have been precluded; but the services in question were of that nature which, for peculiar reasons, ought, in the first instance, to be fully recognized and appreciated by the House [Hear, hear!].

Lord *Castlereagh* hoped the House would do ministers the justice to believe that it never could be their wish or intention to stand between the liberality of the House and the individual in question; but that right hon. person having been raised to the dignity of the peerage, the purport of the message ought to be understood as inviting the House to make a provision in consideration of the title, and not of his services as Speaker. [Cries of No no!].

Mr. *Ponsonby* professed himself quite astonished at the explanation offered by the noble lord. How he could say on his legs in that House, that the proposed reward was not in consequence of the late Speaker's services, or how, being in what was vulgarly called a scrape, he could endeavour so to get out of it, was to him a most surprising incident. The very words of the message itself declared that it was founded upon those services. The Crown had not, in fact, any constitutional right to take notice of their Speaker's services, and it was a flagrant violation of their first privileges in ministers to have thus advised it. He knew not what course it might be now most expedient to pursue, but he hoped the House would not cease to maintain its constitutional and established rights. [Hear hear!].

Mr. *H. Sumner* stated his objections to the present form of proceeding but saw no way of getting out of the difficulty into which ministers had led them. He entertained even a farther objection: whatever had been the intention of the noble lord, the fact was, that the message did stand between their late Speaker and the liberality of the House. It was true that a blank was left with regard to the sum, but the term of the grant, namely, for two lives, was distinctly recommended.

The *Chancellor of the Exchequer* thought it could not be supposed that any disrespect to the House was intended by taking the earliest opportunity of proposing an adequate reward of the services which the House had received from the noble lord in his late office of Speaker of that House. He could not conceive that the prerogative of the Crown had been improperly exercised in carrying such a purpose into effect. Whenever the rank of the peerage had been conferred in recompense of distinguished merit, the Crown had been in the custom of sending similar messages. It was done in the case of the duke of Wellington, and had always been understood to be the settled and necessary form of enabling that House to carry into effect the wishes of the Crown.

Mr. *Wynn* declared, that under the circumstances of the case he felt it his duty to oppose the present motion. Trusting that the House would proceed to accomplish the same purpose by an address in the first instance, should the present motion be negatived or withdrawn, he thought such a course would be infinitely more honourable to the noble lord whose merits were the ground of such a proceeding. He could see no analogy between this case and that of naval or military services. Of these last the Crown was the natural and proper judge, but could not be of services rendered in that House. The Crown had already the power of granting a pension for life; and had this power been exercised on this occasion, he knew no legal objection that could have been urged against it: but all would admit that it must have been a very ill-advised proceeding. Such a mark of favour would have been a very inadequate compliment for the occasion. The House was the theatre of the services performed, and ought not to seem as if it wanted to be put in mind of the obligations it was under. Neither ought it to be held out to future Speakers that they were to look elsewhere for their reward. He had so decided an objection to the course proposed by ministers, that if the motion were pressed, he would meet it either by a direct negative, or by moving the previous question. He entreated, however, in honour and justice to the late Speaker, that the House would not be pressed to such an alternative, that the ministers would see the necessity of withdrawing the present motion, and substituting in its place an address similar to the one adopted in Speaker Onslow's case.

Mr. *V. Fitzgerald* contended, that no want of respect to lord Colchester could be argued from the present proceedings. Without presuming to give an opinion on the precedents, he must say, that it was at all events a struggle between the Crown and the House, which should best appreciate the acknowledged services of that distinguished character. It was impossible to infer that the Crown had not the means of being informed of those services, when it was well ascertained that on the many occasions of re-election, when the late Speaker was presented for the approbation of the Crown, an explicit declaration was made of the high sense of his services.

Sir *John Newport* agreed in all that had fallen from his hon. friends in reprobation of this novel and unconstitutional procedure. He contended, that the remuneration so justly due to the late Speaker would be more honourably conferred by the unanimous address of that House, than by the suggestion of any minister.

Mr. *Huskisson* considered, that the precedent of lord Onslow's case stood upon different circumstances. At present the Crown had no funds at its disposal beyond a pension for life of 1,200*l.* If, therefore, an address was presented, this was all that could be done, and the Crown must again refer the matter to the House. In the former case, the Crown had the power of granting a pension of 3,000*l.* a year for life; and was thus very differently situated.

Mr. *Wynn* said, he had never imagined that the Crown could proceed in this case without the authority of the House; but if an address were presented, praying that a suitable reward should be conferred, a message might then be brought down stating the existing limitations on the power of granting pensions, and the House would then have it in its power to supply the deficiency. But these were mere technical points; the main objection was, that the first knowledge they received of a remuneration to be given for services performed in the chair of that House, should have come from the Crown. He would repeat his anxious wish that the motion should be withdrawn, and another substituted, that would meet the wishes of every member in that House.

The *Chancellor of the Exchequer* admitted the candour of the hon. gentleman's intimation. The great object on all sides, he apprehended, must be, to do that which would be most gratifying to the feelings of the distinguished person immediately interested. If it was the pleasure of the House to adjourn the consideration for the present [Cries of No, no!], he apprehended then that it might be the most satisfactory course to withdraw the motion he had already made, and give notice of his intention to move an address to the Crown on this subject on Thursday next.

The motion was accordingly withdrawn.

HOUSE OF LORDS.

Thursday, June 5.

LORD COLCHESTER.] The order of

the day being read for taking the Prince Regent's Message into consideration,

The Earl of *Liverpool* said, he did not think it necessary to take up the time of the House in descanting upon the well known merits of the distinguished individual alluded to in the message; and though those merits might in strictness be better appreciated in the other House, than by their lordships, yet, there were opportunities afforded by which they might form a just estimate of the talents and ability of the Speaker of the other House. It was the practice of the constitution, that the Speaker of the House of Commons should, on being chosen, receive the approbation of the Crown, and the individual of whom he was now speaking, had received that approbation no less than five times, he having held the office of Speaker for a longer period, with one exception, than had been known in the history of parliament. He had filled the chair, too, in arduous and difficult times, during all which, his conduct had been, as it deserved, highly approved of, and their lordships were enabled to appreciate that conduct from the manly and eloquent manner in which the individual alluded to delivered himself at the bar of their House, in his speeches to the throne. It was the practice of the Crown to reward distinguished naval and military services, by conferring rank and sending a message desiring that a provision might be given to support the rank so conferred, and he trusted there would be no objection to the rewarding in the same manner, the distinguished civil services of the individual referred to in the message. His lordship concluded by moving an address to the Prince Regent, concurring in the object of the message, which was agreed to.

HOUSE OF COMMONS.

Thursday, June 5.

Chimney Sweepers.] Lord *Milton* said he held in his hand a Petition from certain of the most respectable inhabitants of Sheffield, in favour of a very humble, but a very numerous class of his majesty's subjects; a class, whose calamitous condition had long excited the compassion of every feeling mind. The petitioners prayed that House to take into its consideration the propriety of adopting some means for abolishing the practice of sweeping chimnies by the means of climbing boys. Though the lot of those wretched beings had frequently called forth the strongest sentiments of commiseration, yet the petitioners were afraid that nothing would be effectually done for their relief till the parliament interfered. He entertained the same opinion; but he apprehended it was too late now, to hope for any inquiry during the present session. He should, therefore, merely move that the petition be brought up, and express his hope, that in the ensuing session the subject would be brought regularly before the House.

Mr. *Lyttelton* said, that the extreme sufferings of the class of persons for whom the protection of the legislature was now solicited, would, he was persuaded, make a deep impression when their case came to be fully investigated. All men of common feeling and humanity must be anxious to remove a practice, which entailed so much misery, and for which no necessity whatever existed. As to the practicability of employing machinery, there could be no doubt.

Mr. *Stuart Wortley* concurred in the observations that had been made.

Mr. *Fremantle* hoped the matter might be taken up this session.

Lord *Lascelles* was of opinion, that if nothing more could be done this session, a resolution should at least be passed, disapproving of the practice.

Mr. *Bennet*, said he had repeatedly intended to bring the case of this wretched class of boys before the House, and to originate a measure for suppressing the practice complained of. He belonged to a society which had for its object the superseding the necessity of employing boys in this way.

Lord *Milton*, being encouraged in the idea that something might be done this session, would propose a committee, to whom this petition should be referred.—The noble lord then proposed a select committee, which was accordingly appointed.

Lord Colchester.] Lord *Castlereagh* said, he was anxious to call the attention of the House to the motion of which he had given notice, because, however important the other business which was to occupy their attention during the present evening might be, he was sure there was nothing which they would be more impatient to proceed to, than to discharge their debt of gratitude to the individual who had lately filled the chair with such distinguished ability. He was the more desirous of losing no time in doing this, because whatever other honours might be conferred—whatever the liberality of parliament might grant for the sustaining of those honours, he was sure there would be nothing more gratifying to the feelings of that eminent character, than the testimony of the affectionate gratitude entertained towards him by this House, for his great services in the chair. Nothing which it was in his power to offer to the House could augment the feeling which he knew they already entertained of the high services which lord Colchester had rendered to parliament and to the country. It had not escaped their attention that he had for a long course of years filled the office of Speaker—an office attended with the greatest difficulty, with the greatest honour to himself, and advantage to the country. During the sixteen years in which he had filled the chair, the country had been engaged almost unremittedly in one of the most arduous struggles that a nation had ever endured. But it was not merely the war which increased the difficulties of the office; for the country in general had taken a start which had entailed upon the House a greater burthen of legislative business than had ever been thought of at any former period. If the quantity of public business transacted by the House during the last sixteen years were compared with that gone through in the same period of time at any former part of our parliamentary history, it would be found that it had increased tenfold. The number of inclosure bills which had been passed during that period, and the immense increase of other business, were such as to require all the diligence and all the ability of the most active and experienced individual. Every day the House had had occasion to observe the eminent abilities of their late Speaker—every day they had had occasion to feel the advantage of being guided by his counsel, which, he might say, was the ablest and the best that had ever emanated from that chair. All this was deeply engraven on the minds of every member of the House. Whatever party difference there might have been—into whatever warmth or even violence of discussion they might have been betrayed—still they always felt that they were conducted by an authority the most high, combined with an independence and integrity the most pure. [Hear, hear!] It was his wish, on this occasion, first to submit to the House a resolution expressive of its thanks to lord Colchester. As to any ulterior measure, he was sure the House would do his majesty's government the justice to believe that they only advised the Crown to do that which would enable the House to discharge their duty in a way which would be the most satisfactory. After the House had testified its thanks, by passing a resolution for that purpose, he would propose to follow it up by moving an address to his Royal Highness, praying that on behalf of the Crown, he would be graciously pleased to confer some distinguished mark of favour on the late Speaker [Hear, hear!]. The only point on which he could anticipate that a shadow of difference could arise in the House on this subject was, whether there was any occasion for an address to call the attention of the Crown to the services of the Speaker; but as there could only be a struggle between the two sides of the House to testify their feelings towards the distinguished individual in question in the best way, he did not see that any difficulty could arise. The noble lord concluded by moving, "That the thanks of this House be expressed to the right hon. Charles Abbot, now baron Colchester, for his eminent and distinguished services during the long and eventful period in which he discharged the duties of Speaker with a zeal and ability alike honourable to himself and advantageous to the service of this House: that he be assured that the proofs which he has uniformly given of attachment to his king and country, the exemplary firmness with which he has maintained the dignity and privileges of this House, the ability, integrity, and unremitting attention to parliamentary business, which have marked the whole of his conduct, justly entitle him to the approbation, respect, and gratitude of this House."

Lord *W. Russell* said, it was with great regret he rose to give any opposition to the present motion, willing as he was to concur in every tribute to the learning and ability of the late Speaker, as well as to every other quality, both of his public and private character. There was, however, a circumstance which must be still fresh in the recollection of the House: he alluded to the speech delivered at the bar of the other House on the close of the session in the year 1813. That speech, it was equally well known, had induced a noble friend of his (lord Morpeth), in the following session, from, he believed, the best of motives, to move a vote of censure on the late Speaker for his conduct. In his judgment, it would be fatally injurious to the character and credit of the House, if, after 117 of its members had supported that vote of censure, it should, only three years afterwards, pass a unanimous vote of unqualified approbation on the same individual. There was no one ostensible reason before the public for such an alteration of sentiment, except the circumstance of the same Speaker, who, on the former occasion had thought proper to make the Crown a party to the proceedings of that House having been now *called* by the Crown, (for he was too old fashioned to say *elevated*) to the peerage. It was not his intention to trouble the House by a division; and he could assure them, that in disturbing the unanimity of the present motion, he was actuated only by an overruling sense of duty.

Mr. *Wynn* said, that having taken an active part in the vote of censure against the eminent person, who seemed to him, to have acted, on that occasion, in a manner not warranted by the usage of the House, he was anxious to express his opinion on the vote now proposed. The House would recollect, that to one act of that description, there was to be opposed fifteen years of unwearied and able discharge of most important duties. In passing the present vote, he did not feel that the House was pledged to every distinct act of the late Speaker, all that was granted by agreeing to the motion, was the expression of its sense of the general merits of that eminent character.

Mr. *Bankes* thought that the hon. and learned gentleman had taken a very correct view of the matter; but there was another reason, which, in his mind, ought to possess no trifling influence. Although a considerable number of members had voted in the minority against the Speaker's conduct on the occasion alluded to, there was also a very large majority who thought that conduct perfectly conformable with the practice of former Speakers in the best times of the constitution; and all the study and inquiry which he had been enabled to bestow upon the subject, still further confirmed his opinion of the correctness of that decision. He was extremely sorry that the noble lord had disturbed the unanimity of the House. He was convinced that no one ever filled the chair with more ability or impartiality than lord Colchester, and he should therefore heartily concur in the motion.

The motion was agreed to, and on the suggestion of Mr. Wynn, the Speaker was ordered to communicate the said resolution to lord Colchester. Lord Castlereagh then moved, "That an humble address be presented to his royal highness the Prince Regent, to beseech his Royal Highness that he will be graciously pleased, acting in the name and on the behalf of his majesty, to confer some signal mark of the royal favour upon Charles lord Colchester, late Speaker of this House, for his great and eminent services performed to his country during the long and important period in which he has, with such distinguished ability and integrity, presided in the chair of this House; and to assure his royal highness, that whatever expense his royal highness shall think proper to be incurred upon that account, this House will make good the same."

Mr. *Ponsonby* remarked, that the House was already in one difficulty, and he feared the wording of the address was calculated to produce another, The objection on a former day was, that the Crown should be the first proposer of the grant; and they were now told that the Crown ought to determine the amount. He thought the House ought not to bind itself by any previous pledge or obligation to approve of whatever provision the Crown should think fit. The proper course of proceeding would be, for the Crown to send down a message, stating the inadequacy of its means; and the question of the due extent of liberality would then still rest with the House; but, as the address was now framed, they surrendered all discretion on the subject.

Mr. *Bathurst* observed, that the proposed address was in the precise terms of the one voted in the case of Mr. Speaker Onslow.

Mr. *Ponsonby* contended, that there could be no similarity in the two cases, as in that of Mr. Speaker Onslow the Crown had the power by law of doing what the address required. The Crown could not now by law grant out of the civil list a larger pension than 1,200*l.* per annum.

Mr. *Rose* said, the Crown in the case of Mr. Onslow had not the power by law, as the right hon. gentleman misconceived. It could not make a grant beyond one life.

Mr. *Wynn* said, that no attention whatever had been paid to the message, but that the House might, had they seen proper, have ordered it to be taken into consideration that day six months. He did not see in what manner the House became pledged by this address to any sum, because it was the way in which they always acted; in the case, for example, when any monument was voted to the memory of an individual. While the House declared it would support the expense which might thus be called for, it certainly was never meant that that expense should be extravagant, and on that ground he did think there was by no means any pledge given.

Mr. *Bankes* should support the address on the ground of its being strictly sanctioned by precedent; for example, in the case of the Perceval family, and of the duke of Wellington.

Mr. *Tierney* apprehended, that if this question should come to be historically discussed some years hence, it would appear to have grown out of the message from the Crown: but he was not going to discuss that now. It did appear to him, that when the grant was made, and it might be made immediately, the House would be shackled as to the amount of the pension to be given; and would have no power to diminish it, if they thought proper. He had heard the sum mentioned which it was proposed to give. He was told that it was 4,000*l.* for the life of the noble lord, and 2,000*l.* for his son. He had since heard, however, that it was 4,000*l.* for the father, and 3,000*l.* for the son. Now he wished very much to know, whether this was the case, because it was proper that the House should not be called to go blindfolded into the question.

The *Chancellor of the Exchequer* had no objection to state, that the intention of the Crown was, to make provision for lord Colchester to the amount of 4,000*l.* a year, with a reversion of 3,000*l.* to the next heir male of the title. In the case of Mr. Speaker Onslow, 3,000*l.* a year had been granted for two lives. This was fifty-seven years ago, and, therefore, he apprehended the House would not go too far in liberality by acceding to the sums proposed in the present instance. They were by no means pledged, however, to this extent, as the grant must of course come under their revision.

Mr. *Tierney* said, that as the House were now called, it should seem, to make good the claim of the peerage to support, he should wish to know whether lord Colchester had not a situation amounting to 1,500*l.* annually in Ireland? If this was the case, on what principle were they called by ministers to give the noble lord 5,500*l.* a year to support the peerage, and yet to allow his son only 3,000*l.* to support the very same dignity? From the report made by their committee, he found this office in Ireland, was one of those which they were called upon to abolish, and he hoped in God it would be abolished. Was the noble lord to be allowed to hold this 1,500*l.* in addition to his proposed annuity of 4,000*l.*? If so, he again asked on what principle ministers could give him so much, and his son so little? He expressed his anxious desire that the House should be liberal to their late Speaker, who certainly deserved a reward for his able discharge of his arduous duties. But in times like the present, he thought this grant excessive.

The *Chancellor of the Exchequer* said, it was undoubtedly true that lord Colchester enjoyed a place in Ireland of 1,500*l.* a year, nominal value, but which was only 1,300*l.* actual income. He received that compensation in consequence of having given up a place of 3,000*l.* a year for life.

Sir *C. Monck* regretted that the motion of ministers, founded on the message from the Crown, had not been noticed in the votes, where it ought to have been stated that it was afterwards withdrawn. Had this been done, the irregularity of the message would be known to future times.

Mr. *Holme Sumner* said, that so far from considering the intended proposition too liberal, he thought it extremely parsimonious. The situation of Mr. Speaker Onslow was very different. He was entitled to a very large fortune, and would therefore have been able to maintain the dignity of his peerage if he had lived to attain this fortune, which he did not, nor his son after him. The profits of his office being inquired into, they were ascertained to be 3,000*l.* a year, and this was granted to him. He could not see on what possible grounds it could be maintained that the amount now proposed was either excessive or ample; and as this question would be debated on the introduction of the bill, he thought it is duty to throw out views rather different from those of the right hon. gentleman. The Speaker of the House of Commons in Ireland, who had filled that situation ten years, had a grant of 5,000*l.* a year, and surely we should treat our late Speaker with at least equal liberality.

The motion was agreed to *nem. con.*

PRINCE REGENT'S MESSAGE RELATING TO SEDITIOUS MEETINGS—A SECRET COMMITTEE APPOINTED.] Lord Castlereagh presented the papers referred to in the Prince Regent's Message, which were brought up, sealed in a green bag.—The Prince Regent's Message relating to seditious meetings being then read,

Lord *Castlereagh* said, that, in proposing an answer to the royal Message, he did not mean to pledge the House as to the nature of the proceedings to be afterwards adopted; or whether, in point of fact, any ulterior measures should be pursued. He should confine himself simply to a motion of thanks to the Prince Regent, and to assure his Royal Highness that the House would take the papers into their immediate and serious consideration. In the present stage of this business it would be impossible for him to make any opening as to the actual state of the country; and, indeed, he felt persuaded that it would be most acceptable to the House that he should not now attempt to enter into any details. After the present motion should be disposed of, he intended to submit, that the papers should be referred to a select committee, to be immediately nominated, and to be confined to the same persons as were members of the last committee, except the late attorney-general, who had ceased to be a member of that House. Those persons must be much more competent than any other members to follow up the communication from the Crown; but as it was desirable that the committee should consist of the same number of members, he should propose that the name of the present solicitor-general (sir Robert Gifford) should be substituted for that of the late attorney-general. The noble lord then concluded with moving the address to the effect before stated.

Lord *Folkestone* said, that as the noble lord had opened the course of proceedings to which he meant to resort, the House ought seriously to pause before they took another step, which must lead to the subversion of all the liberties of the country. For his part, he confessed that he concurred entirely in the abhorrence which had been expressed in a petition presented from Reading with respect to the measures of his majesty's ministers. He wished he could say, that this was the first step they had taken towards despotic power; but if the House did not stop them now, there was an end of English liberty. If the Habeas Corpus act were to be suspended for any longer time, it might hereafter be made a dead letter, whenever the ministers thought proper, and the constitution of the country was gone for ever. The House would remember, that, in the last session, he had declared his apprehension of the consequences of keeping up a large standing army; and they would now determine whether subsequent proceedings did not justify the observations he then made. One of the first measures was the passing of the Alien act, which was a direct introduction of *lettres de cachet.* On that occasion he took the liberty of warning gentlemen, that if they suffered *lettres de cachet* to be introduced, no matter against whom they were to operate, whether aliens or natives, other measures would speedily follow, entirely destructive of all British freedom. The Crown, however, had been suffered to retain a large standing army, a large staff, and large establishments; and if, in addition to this, we suspended the Habeas Corpus act, we put the whole liberties of the country into the hands of the Crown; we made the Crown a despot; and the people of England were as complete slaves as the people of any other country. He protested against the whole of these proceedings, He would not consent to any farther suspension of this great bulwark of our liberties; and he warned the House, that if they gave their assent to the propositions of the noble lord, the probability was, they would never see the Habeas Corpus act unsuspended. What! should this country, this England, so loved, so honoured by our ancestors; should this land, which gave freedom to every slave that set his foot upon it, be governed by the arbitrary will of any set of ministers? What had become of that patriotic spirit which raised this country to its former greatness? He would not surrender to ministers the power of suspending the laws of England: he would not consent to any committee, be they chosen how they might. Let the proper persons examine the papers, and let them report the evidence to the House; but then let the House judge fairly and impartially for themselves. The committee ought not to be composed of those persons who examined the former papers, as they must have a bias on their minds; they should be different persons, who would enter into the examination without prejudice or partiality. If discontents existed, they arose out of the great distresses of the country, which the noble lord had formerly ascribed to a sudden transition from a state of war to a state of peace, but which, he must be now convinced, were not merely temporary. Ministers might wish to remedy these evils, but it could not be affected by the suspension of the Habeas Corpus act. The whole House, in a committee, ought to consider what were the proper remedies to be applied; and they should not consent to resign the liberties of the people, merely because ministers came down, and stated, that traitorous practices were still continued.

Mr. *Curwen* expressed his concurrence in the opinions of the noble lord. A delay of a few days until the approaching trials were over, would, without the apprehension of any improper disclosures, enable the whole House to take the papers into consideration, instead of referring them to the consideration of a Secret Committee.

The motion was agreed to. Lord Castlereagh then moved, "that the papers which were this day presented to the House by lord viscount Castlereagh, by command of his royal highness the Prince Regent, be referred to a committee." Lord Folkestone moved, by way of amendment, "to examine and arrange the same, and to report the substance thereof to the House, omitting only such names of persons as in the judgment of the committee it may be dangerous to the persons themselves to disclose." The amendment was negatived, and the main question agreed to. It was then ordered, that a committee of secrecy, consisting of 21 members, be appointed; after which lord Castlereagh moved, "That such members as were of the committee of secrecy appointed on the 5th day of February last, and who are now members of this House, be members of the said committee."

Sir. *J. Newport* objected to this proposal on three grounds: first, it was going out of the way, to insult every other member of the House as not being worthy of such a trust: besides, the House elected the last committee by ballot, under the circumstances that then existed; but circumstances were now entirely different; then we were at the commencement of a session, and now at the close of one: then the powers required were to be exercised till a new session, perhaps till a new parliament. Secondly, the members of the last committee must necessarily be more or less partial and prejudiced. It was almost unavoidable with the ordinary frailties of human nature, not to feel some bias towards the support of an opinion once advanced; and many considered, that their whole reputation depended on maintaining a sort of obstinate consistency. Thirdly, he had an objection to the appointment of any of the ministers of the Crown on this committee, because they had already pronounced a decided opinion on the subject; and the noble lord himself had said, that a spirit of sedition existed in the country; and that the people were to be tried on this charge by a committee. He (sir J. N.), on the part of the country, challenged that jury; he challenged it on the part of the country in the same manner as he would on the trial of a criminal; he challenged that jury, because the country could not have a fair trial by a jury that had already decided on the point at issue. At any rate, on the event of a farther suspension of the Habeas Corpus act, he now announced his intention to take the sense of the House on a clause which should limit the duration of such a measure to the existence of the present parliament. If it were continued beyond that period, the people would not be in a state to exercise their elective franchise; and he hoped, at all events, that it was not intended to proceed to a general election while a sword was suspended over the people by a hair, which might any moment be cut at the option of ministers. He should propose, as an amendment, "That the committee do consist of the following members: Mr. Chancellor of the Exchequer, lord G. Cavendish, sir C. Mordaunt, Mr. W. Pole, sir S. Romilly, Mr. Attorney-general, Mr. Solicitor General, sir James Shaw, Mr. Davenport, Mr. Greenhill Russell, Mr. John Fane, Mr. James Abercromby, sir John Sebright, lord Althorp, Mr. Stuart Wortley, Mr. Williams Wynn, Mr. Shaw Lefevre, Mr. Courtenay, Mr. Lyttelton, Mr. Wilberforce, and Mr. Addington."

Mr. *Bathurst* considered the course proposed as unusual. As to the objection of disrespect to the rest of the House, it was to be remembered, that the same inquiry was to be made by this committee as by the former, and that the former was chosen by ballot: but the right hon. baronet, instead of acquiescing in those named by the House itself for making the very same inquiry, had said, "Reject them, and take 21 named by myself."

But it was impossible that a committee of new members could come to so sound a judgment as the old committee, who would examine with the advantage of having had all the papers and evidence before them on the former occasion. As to their being prejudiced and partial, if they had formed a wrong opinion on the former committee, they had now an opportunity to correct it; but if all their opinions had been borne out by facts, the advantages they would derive from having a thorough knowledge of all the previous transactions, would much more than counterbalance any evil that might be anticipated from the infirmity of human feelings. The committee were not called on to come to any certain conclusion; and the point before them was, not whether the liberties of the country ought to be suspended, but whether any steps at all ought to be adopted in consequence of the state of the country. As to challenging the jury on which the right hon. baronet seemed to dwell so triumphantly, and rejecting the presence of ministers, because their minds were made up, the right hon. baronet had himself contradicted his own argument, by nominating himself two of the ministers. He might indeed say, that they were not on the last committee; but, according to him, their minds were made up, and that was the principal ground of his challenge. But, admitting that the right hon. baronet were to challenge the jurors, as partial, how was the allegation to be supported? His majesty's ministers had seen the whole of the papers; these papers the committee would also see; and why were ministers more partial because they had already seen that which all the committee must see before it came to a decision?

Mr. *Brand* said, that the great object of appointing a committee was, to obtain an impartial discussion of the evidence on which the great point of the suspension of our liberties was now to rest. The right hon. gentleman had shown a degree of triumph, because the right hon. baronet had named one of the ministers for this committee (he wished he had not done so); but this afforded no ground for a hasty or inconsiderate appointment. Ministers had preferred a sort of bill of indictment against the people of England, and they were to be tried on charges of sedition and rebellion; but by what jury? He would ask whether the report of the last committee had given satisfaction to the discreet or reflecting part of the people? If he were to ask out of doors whether the committee had been satisfactorily appointed, the answer would be, No! they were not appointed by the House, they were merely nominated by ministers. Let a committee be fairly appointed by the House. He thought the reasons alleged by his right hon. friend against appointing the same committee had great weight in them; for it was impossible to conceive that men who had before made up their minds should not continue in some degree wedded to the opinions they had formed at first. A committee was wanted that should come to the business without the influence of any preconceived opinion; but had not ministers made up their minds beforehand? If his majesty's ministers, if the representatives in parliament, wished to carry the people with them, they would cautiously abstain from introducing into the committee any persons whose names were not such as would carry conviction to all honourable, discreet, and conscientious individuals.

Mr. *Barham* agreed with his hon. friend, that the people were brought to a sort of trial, and that it was highly necessary the jurors should be altogether impartial. He took the earliest opportunity of entering his protest against the measures in contemplation. On former occasions, he had felt himself constrained, painfully constrained, to concur in measures which suspended the liberty of the subject. The circumstances of those times seemed, in some measure, to justify such a course of proceeding; but circumstances at present were so obviously different, that he should not detain the House by dwelling upon them. We were then engaged in a war, not for pride, not for prosperity, but for existence: it was then known, that if discontents existed in the country, they could be fomented from without by a powerful enemy, and every encouragement and assistance held out to the disaffected; those discontents, too, were ramified and extended in every direction through the country. At present, not one of these grounds of alarm existed: no force was in arms against the government, either within or without the country; and the disaffected were without credit, without encouragement. We were at peace with all the world, and the foreign spirit of revolution and disorganization had not only fallen into disrepute, but had been succeeded by a reaction of the very opposite tendency.

The measures at present in contemplation were also the more grievous, as they seemed not to be temporary, but meant for a continuance, and as an overture to the total extinction of our liberties. If ministers succeeded in their present intentions, he could not conceive a case in which they might not for the future demand a suspension of the Habeas Corpus. Any wicked minister, wishing to be absolute, would only have to instigate a disturbance, by any of the easy methods for raising the passions of the poorer classes of society, and there would then exist the same ground for suspending our liberties as at present. Neither were the measures proposed at all applicable to what had happened: he might admit that certain districts were in a state of disturbance, and that might afford a reason for enacting a law as to those particular districts; but was it any ground for depriving the whole country of its rights and liberties? We were familiarizing our ears a great deal too much to this word suspension. Did we sufficiently consider, that when the Habeas Corpus act was suspended there was no difference between this government and that of the most despotic sovereign? The power which a minister had of committing to prison on such occasions was quite as great and as dangerous as the *lettres de cachet*, so long and so justly reprobated. We were congratulated on the glorious issue of the war, as it was termed—on our triumphs and our acquisitions: but in what had we conquered, if we were after all to lose our rights and liberties, and all our importance as a nation? What had we gained, or in what was this government different from that of Buonaparté, if our personal freedom was taken away? Was he any longer addressing a free people? And if a new parliament should be elected (which he trusted would never be the case) during a suspension of all our freedom, would it be a parliament? Could the people be said to exercise their elective franchise, when any party whose conduct or opinions might be deemed obnoxious was liable to be imprisoned during the pleasure of ministers? In surrendering this they surrendered every thing—themselves, the House of Commons, the country.

Mr. *W. Smith* thought a wrong decision had been come to by the late committee on the information laid before it, and was therefore unwilling to send any new papers before the same tribunal. With respect to the place with which he was connected, he was sure an improper decision had taken place in the Lord's committee, and he did not know that any evidence but that on which their report was founded had been submitted to the committee of the House of Commons. The Steward of Norwich, a very respectable magistrate, who usually takes the chair at the sessions in the absence of the recorder, had requested him to state to the House, that the grand jury had been charged to inquire if there were, or had been, any seditious or blasphemous societies. A very careful inquiry was in consequence set on foot, and the result of it he begged to read. He then read the presentment made by the grand jury, in which they declare it to be their opinion, that no such societies existed in that city. On this presentment being made, the steward discharged the grand jury, declaring that in his opinion the city of Norwich must now stand acquitted of that with which it had been charged. This was said not merely in an official way, but was the private opinion of that respectable magistrate, who had authorized him to state the fact as forcibly as he could to the House. All that had occurred since the reports were made, he contended went to falsify the predictions which had been hazarded from certain quarters. He wished the facts which had since transpired in Norwich, to be compared with the information given the committee. Since the period to which he had referred there had been an election; he did not mean to say a bad spirit had not been manifested on this occasion; there had certainly been some riot and tumult, which every respectable person in Norfolk must have been grieved to see; but there had been nothing that could be taken to indicate disaffection in the common sense of the word. The tumults which had occurred were of a character directly opposite. The inquiry now called for ought, at all events, to be entrusted to other hands; if this were done, he should rather hope that a different conclusion would be come to by gentlemen who had no former opinions to maintain, than from those who had already given such a pledge as he thought had been given by the members of the late committee. He would therefore rather see the inquiry confined to some of his hon. friends behind him, than to the colleagues of the noble lord opposite. In Ireland, when a part of the country was declared to be in a disturbed state, the whole kingdom was not put out of the law. He therefore contended, because symptoms of disaffection had been manifested in some parts of this country, it did not follow that the whole of it should be deprived of the benefit of the Habeas Corpus act.

Mr. *Protheroe* thought the last committee should have contained more county members. He had given his vote in favour of the result of their report, chiefly because of their unanimity, and that was a circumstance that in any new committee would much influence his vote. The renewal of the suspension would be a more important measure than the first suspension. He did not approve of any individual member nominating a list of members, with the semblance only of a free election.

Mr. *Lamb* supported the amendment, and pressed the noble lord to agree to a new committee of unbiassed and intelligent members, and to lay all the papers before them. On former occasions, the minister had proposed the renewal on his own responsibility. That was a manly mode.—But when it was attempted to mix in a committee, with ministers and their friends, some of those who were generally contrary to them in politics, such a committee ought to be formed upon a larger basis, or it could not be expected to be satisfactory to the country. The proceeding of the noble lord could not farther even his own views. If his proposed committee made a similar report with the last, the people would say, that they were prejudiced and pledged. If that committee, so constituted, presented a different report, then the people would say that they had been alarmed by the public reprobation which their former conduct had received.

Sir *W. Burroughs* contended, that it would be more satisfactory to the House and the country that 42 members should concur in the necessity of the continuance of this measure, than to have merely the report of 21 members selected by the noble lord and his colleagues.

Lord *Milton* said, the motion of his right hon. friend did not appear to him to suggest the most convenient mode of appointing a committee. If it should be the pleasure of the House to revive the old committee, he should certainly be constant in his attendance. It could not be denied that the old committee would possess greater facilities for conducting the inquiry, and would more readily take up the sequel of that which they had begun, than it could be taken up by any other body of men. But at the same time it must be admitted, the old committee would not produce that effect on the public mind which was desirable. The advantages and disadvantages of the two plans ought to be balanced. He could wish to mix up some new names with some of the old committee. He was unwilling to exclude ministers. He thought they ought to be in the committee, as well as some of his hon. friends who were directly opposed to them. The other members of the committee he could wish to be new, and selected from different sides of the House. He wished the committee to have the power of sending for persons, papers, and records. He did not approve of the motion of the noble lord, nor could he vote for that of his right hon. friend.

Mr. *Stuart Wortley* was afraid the country would not be satisfied if the old committee were revived without any alteration. He could wish some new members to be added to it. To accomplish this, he supposed he must first vote for the motion of the noble lord, and he presumed it would then be competent for him to propose that other members should be added to the old committee [Cries of No, no!].

The *Speaker* apprehended the course proposed to be pursued, was impracticable now. By the vote of the House it had already been decided, that the committee should consist of twenty-one members. If, then, it should be carried that the old committee should be revived, that decision would be conclusive against the admission of new members, but in cases where the old members could not be obtained; one new member, it was known, must be added in the room of the late attorney-general.

Mr. *S. Wortley* then announced his intention to vote for the amendment.

The House divided:

For the original Motion -	126
For the Amendment - -	66
Majority - -	60

List of the Minority.

Atherley, Arthur
Althorp, visc.
Astell, W.
Barham, J. F.
Barnet, James
Barnard, visc.
Brand, hon. T.
Bennet, hon. H. G.
Babington, T.
Campbell, hon. J.
Carter, John
Curwen, J. C.
Duncannon, visc.
Douglas, hon. F.
Fazakerley, N.
Fellowes, hon. N.
Folkestone, visc.
Finlay, K.
Gordon, Robert
Grenfell, Pascoe
Guise, sir W.
Gaskell, B.
Hamilton, lord A.
Hornby, E.
Hurst, R.
Hammersley, H.

Leader, Wm.
Latouche, Robert
Lamb, hon. W.
Lefevre, C. S.
Martin, J.
Mathew, hon. M.
Milton, visc.
Monck, sir C.
Moore, Peter
Newman, R. W.
Newport, sir J.
North, D.
Ord, W.
Osborne, lord F.
Ossulston, lord
Onslow, Arthur
Parnell, sir H.
Philips, G.
Piggott, sir A.
Powlett, hon. W.
Ponsonby, rt. hon. G.
Proby, hon. capt.
Portman, E. B.
Protheroe, E.
Rancliffe, lord
Ridley, sir M. W.
Russell, lord W.
Sebright, sir J.
Sharp, Richard
Smith, J.
Smith, Wm.
Shaw, sir James
Tremayne, J. H.
Teed, John
Tierney, rt. hon. G.
Warre, J. A.
Wortley, J. S.
Walpole, hon. G.
Waldegrave, hon. cap.
Webb, E.

TELLERS.

Burroughs, sir Wm.
Calcraft, John

The main question was then agreed to, and the Solicitor General was added to the committee.

Lord *Folkestone* moved, "That it be an instruction to the said committee, that they inquire particularly into the origin, character, and extent, of the disaffection supposed to exist, or which may be alleged in the said papers to exist, in the country; and that they examine witnesses both to these particular points, and as to the credit due to the written evidence on which the allegation of such disaffection is founded; and that they report their opinion on all these matters distinctly to the House, together with an Appendix, stating the substance of the evidence on which such opinion shall be founded."

Lord *Castlereagh* opposed the motion; first, on the ground that part of it was unnecessary, as the committee were already empowered to send for persons, papers, and records; and, secondly, because the appendix would expose many things which it was expedient, for the ends of justice, should not to be exposed.

Mr. *Bennet* observed, that if the last committee had examined witnesses, they would never have made the report which had excited so much disgust. Could there be a doubt, that many of the circumstances mentioned in that report would have assumed a very different aspect if those busy, meddling, mischievous magistrates who, in order to stand well with the ministers, had furnished all sorts of rumours and charges, had been brought before the committee? If those enlightened gentlemen, who had lately carried on such an interesting correspondence with the home secretary; if those worthy persons, who called themselves knights of Brunswick, one of whom, in the late contest for Norfolk, had been author of one of the most atrocious calumnies that ever issued from the press; if such pernicious meddlers were brought to the test, and their vague assertions were well sifted, could there be any doubt that the result of such examination would be, that their charges would dwindle into the most ridiculous insignificance? He was the more led to make these remarks on account of some circumstances that had taken place in his own county, and also in the town which he represented in parliament. He had been told, that, in Northumberland, a mischievous magistrate had thought proper to bring charges of a treasonable nature against a gentleman of the first respectability; and had put him, as it were, to the ban, as a dangerous person, because forsooth he had gone up to the Cheviot to hunt; and this wise magistrate had taken it into his head, that he was going to array the shepherds in arms against the government. And yet, contemptible as such a suspicion was, this gentleman, before he set off to hunt, was forced to go and explain his object to this informing officious magistrate. He verily believed, that nine-tenths of the evidence furnished by the magistrates would, if sifted to the bottom, be found to be equally groundless and absurd. In the town which he represented, though there had been the greatest distress, yet it had been borne more patiently than in almost any district, nor was there the least trace of disaffection; yet he had been informed, that within this day or two, the streets of Shrewsbury bad been paraded with cavalry, on some mistaken notion that some of the inhabitants intended to attack a depot of arms there. He could assure the House, that the inhabitants had no such intention. [a laugh from the Treasury-bench]. He did not quite understand the meaning of that laugh; but he would re-assert, that the inhabitants of Shrewsbury contemplated no such disorder as was imputed to them; and he would say, generally, that he firmly believed, that if any disaffection existed any where in the kingdom, the cause was to be traced solely to the measures of the government itself.

Mr. *Bathurst* could assure the hon. gentleman that he was misinformed as to both the circumstances related. No intelligence had been sent to government, by which any gentlemen, either in Northumberland or Shropshire, were compromised.

The motion was then negatived.

Lord *Folkestone* said, that notwithstanding, the failure of his motion, he should offer another. He had understood that several persons had been taken up under the suspension act, and he knew particularly that three persons had been apprehended in Berkshire. It was a grievous thing if those persons should be suffered to rot in gaol indefinitely; but he knew no other means of remedying so great an evil than by the motion which he should now propose. It was, "That it be an instruction to the said committee, that they inquire into the particular case of each and every person detained under the provisions of an act passed in the present session of parliament, 'for enabling his majesty to 'secure and detain such persons as his 'majesty shall suspect are conspiring 'against his person and government;' and that they report to the House, a list of such persons, stating their names, their trades, professions, and occupations, their ages, the places of their confinement, the places where arrested, and the dates of their arrest and commitment, together with their opinion on the necessity and expediency of their arrest, and commitment, and of the continuance of their detention."

Lord *Castlereagh* opposed the motion. The secretary of state acted upon a grave responsibility, and ought, therefore, to be trusted with a certain discretion. Besides, the motion would defeat the very object of the acts passed this session, which were intended to give the power of detaining in prison without trial, in cases where the ends of justice would not be forwarded by immediate trial.

The motion was then negatived.

HOUSE OF COMMONS.

Friday, June 6.

LORD COLCHESTER.] The Speaker reported lord Colchester's Answer to Vote of Thanks of yesterday; as follows:

"*London*, 6 *June* 1817.

"Sir;—I have the honour to acknowledge your letter of this day, communicating to me, a resolution of the House of Commons, by which the House is pleased to express its thanks to me for my services as their Speaker, during the period in which I have been called upon to fill that high office. And having devoted the best years of my health and strength to the service of the House of Commons, with the consciousness that during that long period, I have never ceased to exert my best endeavours to execute the various duties of the station which I held by their favour, however inadequately those duties may have been performed, I beg you will assure the House of the deep and lasting gratitude with which I now receive this distinguished testimony of its approbation.—I request also that you, Sir, will be pleased to accept my best thanks for the expressions of kindness with which you have conveyed to me this communication. I have the honor to be, &c.

To the right hon. COLCHESTER.
the Speaker, &c. &c.

Lord Castlereagh then reported the Answer of the Prince Regent to the Address of yesterday. It was as follows:—

"The Prince Regent has the justest sense of the long services and great merit of Charles lord Colchester, late Speaker of the House of Commons: and, in the name and on the behalf of his majesty, had already taken the same into his consideration.

"The Prince Regent is desirous, in compliance with the wishes of his majesty's faithful Commons, to confer upon the said lord Colchester some further signal mark of his favour; but, as the same cannot be effectually granted and secured without the concurrence of parliament, his royal highness recommends to the House of Commons the adoption of such measures as may be necessary for the accomplishment of this purpose."

Ordered, That the House do resolve itself into a Committee on the said Answer on Monday next.

ALE-HOUSES LICENCES REGULATION BILL.] Mr. *Bennet* rose, pursuant to notice, to move for leave to bring in a bill for the better regulation of Ale-houses throughout the kingdom. The report of the committee, which had been presented went at great length into the existing management of those houses; but it was not his intention to detain the House long, as he had but a few observations to make. The motion was brought forward in consequence of a vote of the committee, which had sat, as the House knew, during the greater part of last session, and a considerable part of the present, for the purpose of inquiring into the state of the police of the metropolis. It early occurred to them, that a large proportion of the vice and immorality which prevailed might be traced to the bad system at present acted upon, in licensing and regulating public Houses. It was therefore thought expedient to make a special and distinct report upon that subject. It would be seen by the evidence in that report, not only that houses of the most nefarious kind were permitted to exist, but that they existed with the full countenance and concurrence of some of the police officers who frequented them, and who had a fellow feeling with the persons assembled in them. There were above 200 houses of that description in London, in which a nightly and promiscuous assemblage took place, not only of men and women, but of boys and girls, of eight, nine, ten, and eleven years of age. In some of them there was established a sort of regular court of justice, at the head of which a jew presided, before whom was brought all the pillage and profits of the day and night, and who superintended their regular distribution. He knew one instance, of a boy not 13 years old, who, in the course of one night disposed of property in one of those houses to the amount of 100*l.* The propriety of putting down such monstrous abuses, would be admitted by every one. The law by which all public houses were at present governed, was the 29th of George 2nd. According to that law, it was necessary that any person applying for a licence, should have a testimonial of character; and that certain recognizances should be entered into. But a regular system of evasion was practised, which rendered both these precautions nugatory. Half a crown would, at any time, purchase the requisite character, and as to the recognizances, they were mere nonsense. The clerk had a list of publicans alphabetically arranged, according to which list A. became security for B., B. for C., and so on. In that way, both the character and the recognizances became a mere nullity. It was his intention, if the House permitted him to bring in the bill, to provide that *bona fide* characters should be given, not only by persons residing in the parish where the public house was to be set up, but by persons belonging to the parish where the publican himself lived, and where, consequently he would be well known. With respect to the recognizances, he would specifically enumerate the different kinds of offences by which they would become forfeited; and the publican himself should be bound in a greater sum of money, as well as the other party, than was now required. Upon transgressing any of the rules laid down for his conduct, he should be liable to a greater fine than could be inflicted at present; upon a second transgression, the fine should be still farther increased; and upon a third, it should be imperative for the magistrates to send him before a jury at the Quarter Sessions. If found guilty there, his recognizances to be forfeited, his licence taken away, and he to be declared incapable of keeping a public house afterwards. His house was to be shut up, and the licence suspended, whenever he was sent before a jury, and not to be reopened till the general licensing day, when it was to be considered as a new house. Another part of the bill would go to prevent that system which now prevailed of brewers compelling their tenants to use only their own beer—a system which completely deprived the public of the advantage of having a good and wholesome beverage. He meant to introduce a clause, declaring such contracts between brewers and publicans null and void, and leaving the latter at full liberty to obtain their beer wherever they could get it best. He was aware that those contracts were already so considered in the courts of justice, where it had always been laid down, whenever such cases came before them, that the brewer was bound to supply good beer, or else the publican had a right to obtain it elsewhere. The effect of the clause in question would be to open the trade, and greatly to benefit the public. The next important point which would be embraced in the bill, was an alteration in the powers now possessed by magistrates of refusing and taking away licenses at their own discretion. That was a power, he contended, with which no man ought to be invested; a power which enabled a magistrate, from whim, caprice, or resentment, to reduce an individual from a state of comparative opulence to one of utter pauperism. Many instances of that kind had come to the knowledge of the committee. It was no answer to tell him, that the magistrates could be called to an account for their conduct. They could not be called to any account, unless they assigned a corrupt reason for refusing or revoking a license. So long as they kept themselves snug and quiet in their licensing room, and alleged no grounds for their proceeding, the individuals aggrieved were wholly without redress. By the alteration which he proposed to make, the property of publicans would be put where it ought to be put, where, in fact, all other property was put, in the hands of a jury. He should therefore move, "That leave be given to bring in a bill for amending the laws for regulating the manner of licensing alehouses in that part of the united kingdom called England, and for the more effectually preventing disorders therein."

Mr. *Stuart Wortley* thought this proceeding of his hon. friend very extraordinary. A committee, of which he was chairman, had been appointed to inquire into the police of the metropolis, and had produced a report which was as yet in the hands of very few members; yet upon this report of a partial case, the information contained in which was still unknown, he moved for leave to bring in a bill for the whole kingdom. He not only objected to the mode and the hurry of the measure, but would oppose some of its most important clauses. He could not allow the power of depriving publicans of their licenses to be taken from the magistrates, which he conceived to be the only great check which the laws had imposed upon irregularities, and the only safe-guard of public morals, till he heard it proved that they had misconducted themselves in so important an exercise of their authority.

Mr. Serjeant *Onslow* gave the hon. member high praise for the perseverance and labour he and the committee had bestowed on the subject. Every country gentleman must have felt that the most painful part of their duty consisted in being obliged to stop the license or permit the abuse, and that no middle course existed to check the mal-conduct of the publican.

Mr. *Sumner* saw no irregularity in the manner of introducing this bill. It might have been introduced on the suggestion of the hon. member, without any recommendation on the part of the committee, but being backed by that recommendation, it came with more force.

Mr. *Shaw Lefevre* pronounced a high panegyric on the labours of the committee and his hon. friend. The evil called loudly for remedy, and now, when it was proposed that something should be done effectually, it was but an ungracious return to that committee to object upon a point of supposed irregularity.

Mr. *Gooch* considered the hon. member entitled to much praise for the pains he had bestowed in investigating the evil complained of.

Leave was then given, and the bill was brought in and read a first time.

EXTENTS IN AID—PETITION OF MR. EVENNETT.] Mr. *W. Smith* stated, that he held in his hand a Petition which appeared to him to be of a most extraordinary nature. It was signed by Thomas Evennett, formerly a farmer of Waltham-Abbey, in the county of Essex, and had been sent to him by a barrister, who, he apprehended, had been employed by the petitioner in the course of the transactions of which it complained. The cause of complaint was the process, and execution upon an Extent in Aid; and he would venture to say that a greater complication of injuries had never been committed upon an individual, than in the present instance, in the course of what was called law and justice. About 60 weeks ago the whole of this person's property of every kind had been seized, and he himself had laid in gaol ever since. He could not obtain his discharge either by the insolvent act or a commission of bankruptcy, because his creditor was nominally a debtor to the Crown. The prosecution was at the suit of a Mr. Bignold, a banker at Norwich, and secretary to the Norwich Insurance company, and he had succeeded in obtaining this extent from the court of Exchequer, although the debt in question was due to him in his capacity of a private banker, by representing himself to be liable to government for the securities furnished by the Insurance company for the satisfaction of the claims of the revenue. It was quite clear, however, that he was no more liable, though he might be the person sued on the part of the society, than any other subscriber or proprietor; and if he had employed the funds of the society in his banking concerns, that was his own fault, and what indeed he had no right to do; it being in his power, and it being his duty at the same time, to keep these funds in a separate chest. This, however, was the only possible view in which he could be indirectly regarded as a debtor to the Crown, and of course entitled to sue out this sort of execution against his own private debtors; and a more scandalous or fraudulent pretence, applied to more oppressive purposes, he had never known. This poor man, who was sixty years of age, had been afflicted since his confinement with a paralytic stroke; he had been compelled to depend for sustenance on the charity of his neighbours; the creditor, under this species of execution, not being obliged to contribute to his support; and he now prayed for such relief, as the House in its wisdom might think proper to afford him.

After a few words from Mr. Protheroe, sir J. Newport, the Chancellor of the Exchequer, and Mr. Barclay, the Petition was read, and ordered to be printed.

Civil Services Compensation Bill.] On the order of the day for going into the committee on this bill,

Mr. *Calcraft* felt it his duty to state, that as a member of that committee which had recommended this bill, he was bound to say that he did then, and still would approve of the principle of the bill as a source of much good. If he knew a plan to get rid of the sinecures without compensation, he would adopt it, but he knew none; and when he considered that by this plan they took away 90 or 100,000*l.* from the Crown, and gave it back only 42,000*l.* he conceived it certainly a good bargain for the public. The power of the Crown was thus abridged considerably, and as it could not be expected sinecurists would relinquish their situations without an equivalent, he thought this bill a very proper plan.

Mr. *Boswell* entered his protest against the provisions of this and the other bills connected with it, on the ground of their not being meant to promote real economy; for certainly had that been their object, those ancient offices would not have been at all touched, at least so early. He did not see on what grounds sinecures should be branded with infamy, merely because in one or two instances they had been abused.

Sir *J. Newport* said, that sinecure offices had fallen into such disrepute in the country, that they could be no longer considered as honourable rewards for services, which they were formerly intended to be. He begged to ask the noble lord, whether he had understood him correctly on a former occasion, that, in case the bill for suppressing these offices failed, the Crown would be advised to withhold its consent from the compensation bill?

Lord *Castlereagh* had no difficulty in stating, that ministers would do every thing in good faith with respect to this measure, both as regarded their official influence and their individual exertions.

The House then resolved itself into the committee, in which a conversation took place on the various clauses of the bill. Mr. Vesey Fitzgerald intimated, that as he had resigned the office of chancellor of the Irish exchequer, he would not accept of any salary or emolument under this bill.

HOUSE OF COMMONS.

Monday, June 9.

Lord Colchester.] The House having resolved itself into a Committee to take into consideration the Prince Regent's Answer to their Address,

The *Chancellor of the Exchequer*, after a warm eulogium on the merits of the late Speaker, entered into a consideration of the provision which it was desirable to make with respect to him. He adverted to the allowance made to Mr. Speaker Onslow on his retiring from the Chair in the early part of his majesty's reign, which was 3,000*l.* a year, and observed that considering the depreciation in the value of money, and the incalculable increase in the duties which the Speaker had to perform, he was persuaded the House would not consider a grant of 4,000*l.* a year to lord Colchester during his life, and on his demise of 3,000*l.* a year to the immediate successor to the title, too liberal a vote. The right hon. gentleman concluded by moving a resolution to that effect.

Mr. *Holme Sumner* contended, that the sum proposed was very insufficient. Necessary as economy was in the present state of affairs, the country was not yet so poor as to be unable justly to reward those who had so long devoted themselves to its service as the noble lord in question. He thought not only that the sum to be granted in the first instance to lord Colchester should be larger, but that the reversionary grant should extend to two lives. In pursuance of this opinion, he moved, as an amendment, that the sum of 5,000*l.* be substituted for 4,000*l.*

Sir *M. W. Ridley* contended, that no one could estimate the services and merits of the late Speaker more highly than himself, but insisted that, in fixing the amount of the grant, there were other considerations to be attended to, more imperious than even gratitude itself. The state of the public means was such that we could not now part with one shilling unnecessarily. Lord Colchester had a place of 1,300*l.* a year in Ireland, which made his income, from the public 5,300*l.* a year.

The *Chancellor of the Exchequer* observed, that this discussion confirmed him in the idea that his proposal was, under all circumstances, the best; and he recommended the House to adhere to it; at the same time he must add, that the place in Ireland was given as a compensation for one that had been relinquished.

Mr. *H. Sumner* expressed his wish to withdraw the amendment, but intimated his intention of persevering in the proposition of extending the reversionary grant to two lives.

Mr. *Ponsonby* was glad that the hon. gentleman had agreed to withdraw his amendment, as with all the respect which he entertained for the late Speaker, and with all the conviction which he felt of the justice of liberally rewarding his valuable services, other public duties of an imperative description would have compelled him to vote against it. In fact, he conceived that the sum proposed by the right hon. gentleman was, if any thing, too high, when the circumstances of the country were considered, and when it was also taken into the account that lord Colchester derived an income of 1,500*l.* from a place in Ireland.

Mr. *Tierney* declared, that no man could feel more grateful than himself for the services of the late Speaker, but it would be inconsistent with his ideas of economy to grant more than had been proposed, in the present state of the country; and he felt some indignation at the manner in which the grant had been at first proposed to the House. Under the present circumstances of the country, and according to all the precedents, he could not for himself agree to pay the late Speaker 4,000*l.* a year. On what grounds was that sum proposed? The noble lord had no longer to support that hospitality which was expected of him when Speaker; and was the salary to be continued when the hospitality it was meant to support was no longer requisite? Besides, what had been the scale to others? There was a bill before the House in which the utmost reward that could be bestowed on civil services was limited to 3,000*l.* a year for one life, and though the Speaker's exertions were great, what were they when compared with such a man as Mr. Pitt, who had the interests of Europe to attend to? And yet his wardenship of the Cinque Ports was not worth more than 3,000*l.* a year. What minister had ever been rewarded on the scale now proposed? Lord Wellington had no more than 2,000*l.* a year attached to his rank of Viscount. Why had the Speaker greater claims on the public purse for services which, after all, were services affecting the health alone—for as to the anxiety that had been talked of, he felt less than any man in the House, or perhaps was the only man entirely without anxiety; he existed in a sort of middle atmosphere, between the two contending parties, and his absence from all care seemed to him (Mr. T.) quite enviable. He had only to remain erect in his chair, to bend his head to one side or the other, and enjoy the fray of contending parties. He was unwilling to say more, but if the hon. gentleman persevered, he must oppose the extension of the grant to the third life.

Mr. *Curwen* expressed the highest regard for the late Speaker, but coincided in the sentiments expressed by his right hon. friend.

Mr. *Lambton* coincided heartily in the sentiments of his right hon. friend, and should move, that the words 3,000*l.* a year be substituted for 4,000*l.*

The Committee divided:

For the Amendment	42
Against it	126
Majority	—84

The original motion was then agreed to. After which, Mr. Sumner pressed the adoption of his Amendment for extending the reversionary grant to two lives.

The Hon. *J. W. Ward* opposed this amendment, and deprecated the principle, that the Speaker of the House of Commons was to consider a peerage as the invariable reward of his services. Such an expectation was calculated to be very injurious to the privileges of that House in any contest which it might have with the other House, or with the Crown.

The amendment was negatived. After which,

Mr. *Ponsonby*, adverting to the motion which had been made on Tuesday, and afterwards withdrawn, for taking into consideration the Message from the Prince Regent, recommending to the House to make a provision for their late Speaker, expressed his surprise to find no notice of that occurrence in the Journals, and his supposition that the omission was attributable to some mistake, as another motion made on the same evening by an hon. friend of his (Mr. Curwen), which was withdrawn also, was entered.

The *Speaker* observed, that it was probably his duty to explain this matter as far as he was able to do so. It was perfectly true that the motion made by the chancellor of the exchequer on Tuesday not appearing in the votes of the House had not been entered in the Journals. The motion made by the hon. member for Carlisle, and subsequently withdrawn, did appear in the votes of the House, and would therefore appear in the Journals. The difference between the two cases was this: He (the Speaker) understood it to have been the general sense of the House that the motion which had been made by the chancellor of the exchequer was (on the suggestion of an hon. gentleman, in which suggestion there appeared to him to be a general acquiescence) to be considered as not having been made at all. It might, perhaps, have been his duty to inquire more explicitly on that occasion the wish of the House. If so, it was only a proof of that which, on taking the chair, he knew would be his fate—the necessity of his frequently throwing himself on the indulgence of the House [Hear, hear!]. It was not very easy at present to suggest the course by which the omission might be cured; the motion of the chancellor of the exchequer not having been regularly withdrawn, on question, as the motion of the hon. member for Carlisle had been.

The *Chancellor of the Exchequer* said, that he certainly understood it to be the general feeling of the House, on the occasion alluded to, that no notice should be taken of the motion which he had made.

Mr. *Ponsonby*, after assuring the Speaker that he did not attribute to him the slightest neglect, contended, that the feeling of the House had been misconceived; and that all that he and those who thought with him had agreed to was, not to negative the motion which the chancellor of the exchequer had made, but to allow it to be withdrawn. It was by no means intended that the proposition should not appear on the Journals.

Lord *Castlereagh* maintained, that the proceeding which took place on Tuesday was the consequence of a wish to preserve unanimity on the subject. It now appeared, and correctly appeared on the Journals, simply, that no proceeding had taken place. He should have objected to any proposition which would have given a different character to the transaction.

Mr. *Wynn* said, that the chancellor of the exchequer had distinctly expressed his wish to withdraw the motion in question, in order to give time for the reconsideration of it before the next sitting of the House. All the House agreed that it was desirable, that whatever they did for their late Speaker should originate from them; and this opinion, it was also most desirable, should show itself in the Journals,

Mr. *Canning* observed, that no one could ever mistake the fact, that a message had been sent down to the House, on which no proceeding had taken place; but that next day the House originated a proceeding to which the message related. On this subject, the expressive silence of the Journals would be as good a guard of the privileges of the House as the most laborious entry could have been. He would have had no objection to an entry on the Journals at the time, stating the circumstance as it had occurred; but it did not seem to him to be necessary to go back for the purpose of effecting this object.

Mr. *Ponsonby* remarked, that if it was right to make such an entry at any time, it was right then.

Mr. *Wynn* recommended, either that the Message should be expunged from the Journals, or that notice should be taken in them of the motion of the chancellor of the exchequer, and of the proceeding thereon.

Mr. *Bankes* said, it did not seem to him, however, that it was any inconvenience that it should appear on the Journals, that a message had been sent down to the House from the Crown, and that no proceeding had taken place upon it. In fact, no proceeding had taken place; for his right hon. friend did not regularly withdraw his motion.

Sir *C. Monck* was of opinion, that to insert in the Journals that such a motion had been made and withdrawn, would render the whole matter clear.

Lord *Palmerston* distinctly recollected what had passed on the occasion. It was suggested to his right hon. friend, when he was about to withdraw his motion, that it would be better that it should not appear on the Journals that such a motion had been made and withdrawn. This suggestion his right hon. friend adopted; and his impression of the feeling of the hon. gentlemen opposite, was, that they acquiesced in the propriety of the proceeding.

Mr. *Ponsonby* protested, that it had never entered into his mind, or the minds of his friends that the motion should not appear on the Journals as having been withdrawn, although they were willing not to negative it. Those were two things perfectly distinct. All that he and they wished was, that it should appear on the Journals that the motion was withdrawn. For that purpose he would now move, "That the following entry be made in the Journal of this House of Tuesday the 3rd day of June, after the entry of the Prince Regent's Message concerning Charles Lord Colchester, late Speaker of this House: motion made, and question proposed, that his Royal Highness's said most gracious Message be referred to a committee of the whole House, for Thursday next; and the said motion was, with leave of the House, withdrawn."

Lord *Castlereagh* observed, that this was to call on the House to affirm a proposition which was untrue. The general understanding was, that the motion was to be considered as not having been made.

The motion was negatived.

Game Bill.] Colonel *Wood* moved the second reading of the bill for legalizing the sale of game. He said he was aware that many persons were decidedly adverse to the measure, but he protested that he was actuated solely by a sincere wish to put a stop to the destructive practice of poaching, which was the forerunner of every description of vice. He agreed in the propriety of making game private property; and contended, that it would be so recognized were it not for the act prohibiting its sale. In support of this opinion, he quoted the authorities of lords Holt and Kenyon to show, that if a hare was caught in the ground in which it started, it belonged to the owner of the ground; but if in the ground of another person, it belonged to the hunter. The poachers at present were the causes of great mischief. For the game which they obtained they found a ready market. It was collected by receivers in the country, and conveyed to salesmen in the metropolis, who disposed of it to poulterers, by whom it was sold to the public. This last class, the poulterers, were placed in a hard situation by the existing law, which imposed a heavy penalty on the sellers, but not on the buyers of game. The poulterers were obliged to sell game, or they would have no customers for their poultry. He had authority for saying that they were not at all anxious to sell it, but they were very anxious not to be exposed to heavy penalties for doing so, while the purchasers escaped with impunity. It would not be easy, however, for the legislature to impose heavy penalties on the purchasers of game; and it followed, therefore, that the only way of remedying the partiality and grievance would be at once to legalize the sale of game, and thus give the public a lawful supply of it. It had been urged that if the sale of game were legalised, it would be difficult to detect the poacher. To this he replied, that he intended to propose a clause in the bill, imposing a penalty on any person having game in his possession, who would not declare from whom he obtained it. It had also been said, that it would be discreditable for gentlemen to sell their game. For his part, he was at a loss to discover why it should be more discreditable for gentlemen to sell their pheasants, than it was for them to sell their sheep, their pigs, or their horses. He had the authority of a noble lord, not of the most penurious character—the Marquis of Anglesea—to say, that if this bill passed into a law, he was determined to transmit his game to the metropolis, in order that it might be supplied legally, instead of illegally, by poachers. That noble lord's amusement was in shooting game, and he had no wish to withold from the public a luxury which their money entitled them to command. He contended in opposition to a contradictory statement, that the poacher would be completely undersold, if the bill were agreed to; and dwelt on the great advantage that would be obtained by the removal of that continued cause of irritation which at present annoyed those most valuable individuals—the resident country gentlemen. As a proof of the great evil of the game laws, it was only necessary to mention, that in the last year between 900 and 1,000 individuals were imprisoned for offences against them. He hoped the House would allow the bill to go into the committee, in which it might receive any modifications that should appear desirable.

Lord *Deerhurst* was astonished that a bill, which ought to have been crushed at its first formation, should have been allowed to proceed so far. It should not, however, proceed farther without his warning voice being raised against its very injurious tendency. The object of the bill, as appeared from the correspondence of the honourable colonel who had just spoken, with another honourable colonel, a member of the House, was to give country gentlemen an opportunity of selling their game; and a noble marquis was named as prepared to avail himself of the law, if passed; yet the country gentlemen would be constantly undersold by poachers. The case would be similar to that of two broom-makers, who sold their brooms in adjoining stalls. The one sold so as to have the very smallest profit; the other sold a halfpenny cheaper. The former, who was conscious that he himself stole the materials of which the brooms were made, asked the other, with astonishment, how he could sell so cheap? Why, replied the latter, because I steal my brooms ready made. Just so the poacher could get his game ready made. The difficulty of effecting a sale was the great means of entrapping poachers. Let them not cut up the goose for the sake of the golden egg. The history of the sale of game at present was thus: a person bought game of the poacher at 7*s.* the brace, and sold them to the poulterer in London for 15*s*: he again sold them to the consumer for two guineas. If sale were legalized, a door would be opened to game keepers and others to poach and sell without risk of detection or fear of punishment. If citizens, who had much money, must have game, let them get it on the same terms with country gentlemen. They had it at present for one-fourth the expense of rearing game. If this bill passed, in two years there would be no game in the country. The House should be very cautious how it listened to such a proposal. From small beginnings mighty consequences often proceeded, *Hæ nugæ seria ducunt in mala.* This was not a time to disgust resident gentlemen. He concluded by moving, "That the bill be read a second time this day six months."

Mr. *Curwen* said:—I heartily concur with those who oppose the further progress of the bill. As it is desirable to hold out every inducement to tempt the residence of gentlemen in the country, the protection of game is, in this view, of considerable consequence. Agreeing in this point, I would ask, if the tyranny of the game laws has produced, or is likely to produce, this effect. From all quarters we hear complaints of an increase of poaching. It is fair, therefore, to suppose that there must be some radical defect in the system. It would be well for sportsmen to consider whether this does not arise from the manifest injustice that characterizes the whole code. The right of game is, by an arbitrary act of the legislature, taken from every land-holder possessed of less than 100*l.* per annum. He feeds, he shelters it, but must not appropriate any part of it to his own use. The punishment of offences against the game laws rests solely in the hands of the monopolists; nor are punishments defined, but left to the will of the party—it rests on his mercy. Offences that have not a shade of difference are punished by a fine of 5*l.* or up to 80*l.* In one case the fine may be paid by the poor man by the sacrifice of his little property, in the other by imprisonment for life. There is something so monstrous in this, that it is not to be wondered a general abhorrence prevails against the game laws. Who are the protectors of game?—a few individuals. Who are their enemies?—almost the whole collective body of the people. By a breach of such laws no moral turpitude can be possibly attached; whilst odium and ill will attends the rigorous protection of game. It is the interest of the sportsman, as well as the people, that all the odious laws, relative to game, should be swept from our statute books. It is high time a new system should be devised, founded on justice. Restore to every proprietor his right, and you will have every proprietor united in the protection of game. No country possesses so much game as France and yet it is to be purchased in every market town. It is contended the poacher can undersell the gentleman, as the cost of preserving game is so great; very true, and it is so at present; but I do not apprehend that would be the case was game put on a different footing, and made private property. Gentlemen lay out of their consideration, in estimating the cost at which the poacher procures game, the risk of his liberty. Is the danger of being confined for life nothing? The returns before the House present a most revolting picture of the state of the country; above one thousand persons languishing in different prisons from breaches of the game laws. This alone furnishes a ground that imperiously demands of this House seriously to review the state of these laws. Gentlemen doubt whether the Marquis of Anglesea can meet the poacher in the market. It is a libel on that noble personage to suppose him actuated by any sordid view;—it is to prevent crime—it is to take away the temptation to the poor man's forfeiting his own liberty and destroying the happiness of his family. These are the motives, and such as I hope and believe would have a very general influence in bringing game to the market. In condemning the acts of outrage and violence that have occurred from poaching, will they justify the means resorted to for the protection of game? Can the setting of traps, or other destructive implements, whereby a human being may be made miserable for life, be reconciled to any principles of humanity? A deviation from what is right on one side produces it on the other. Better the whole race of game was extinct than it should owe its preservation to such cruel expedients. I recommend my hon. friend to withdraw his bill, and in a future session, to move for a committee to take the subject into serious attention. I should hope a plan might be devised for the protection of game, bottomed in a just regard to the rights of proprietors, and the convenience and accommodation of the public. The infraction of such a system would attach reprobation and disgrace equally with the purloining of any other property. Before we can hope to command obedience to laws, they must be framed so as to entitle them to the respect of mankind. Whilst they remain at variance with every principle of justice no severity we can inflict will produce the effect; on the contrary they will only serve to multiply the evil.

Sir *C. Burrell* said, that a clause in the bill vested the power of granting licences for the sale of game in the hands of a justice of peace. These licences would be granted with an unsparing hand, and tippling and drinking of all kinds would be carried on where they were conferred; so that if the poacher changed his habits from one vicious tone, he would be only transferring them to another equally bad. He was therefore averse to the bill.

Mr. *Wilberforce* was sorry that the bill was likely to meet the reception which awaited it, particularly when he considered that the system which it went to remedy, vitiated the morals of that large class of the community—he meant the peasantry, who were generally virtuous, and whose habits were of quite a different class from those observable in the populous classes of large towns. There was something peculiar in the feeling relative to these laws. It was, he understood, not considered any crime to purchase this sort of luxury for a gentleman's table, for which the poor wretch who purloined it would suffer with the loss of his liberty, and perhaps be ultimately led to the gallows. He could not, like the hon. baronet who spoke last, anticipate the abuse of the power intrusted to justices of the peace in this case; on the contrary, he thought it would be fairly exercised and properly enforced. An hon. friend of his (Mr. Gurney) had received information on this subject from France, by which it appeared, that formerly when severe penalties—even in some cases death—were attached to poaching, game was nevertheless insecure, but that since a different system had been pursued, and game had been made private property, poaching was no longer a trade in that country. Mr. Wilberforce highly complimented the ability exhibited by lord Deerhurst, but expressed his persuasion that a little more consideration of the subject would lead that noble lord to feel all the evils of the existing system. He hoped either that the bill would be allowed to go into a committee, or that a committee would be appointed to investigate the subject, and see if some other remedy could not be applied.

Mr. *George Bankes* thought that the sale of game, as was now proposed, was utterly incompatible with the present system of the game laws. He hoped that the purchaser of game would be rendered liable to some penalty, but the present measure was so objectionable in its principle, that he could not agree to it under any modification.

Mr. *Preston* spoke in favour of going into the committee.

Sir *John Sebright* was of opinion, that the best course would be, to make game private property, and therefore he should oppose the present bill, or any measure that went short of that object.

Mr. *Gurney* said, that he conceived the country peculiarly obliged to the hon. colonel for his persevering endeavours to get rid of the abomination of the game laws, though he was sorry he could not congratulate him on the success which had hitherto attended his efforts.—The only legislative enactment that had sprung from his committee having been the precious bill for transporting poachers, of the last session, which, with so much merited reprobation, had been repealed, this. He was however still happy to augur favourably of the ultimate issue of his labours, as whatever objections hon. gentlemen had to offer to the mode of altering the system, the principle of the existing game laws,—but one member was found bold enough to defend.

Mr. Gurney stated, that he had made inquiries as to how far their new regulations, which appeared extremely analogous to those proposed by the hon. colonel had been found to answer their purpose in France; and he begged leave to produce the reply of a gentleman who had occupied very confidential situations in the foreign department in that country; he states, that the game is the property of the owner of the soil; that a *port d'armes*, subject to a slight impost, is granted to almost any body who applies for it; but that the land-holder has a right to prosecute any one who may appear on his soil with a gun.—That the penalties incurred, are 30 franks to the proprietor of the soil, and 15 franks to the commune, if the land be not inclosed; and 40 franks, and 20 franks, if it be. —That the penalty may be doubled or trebled by the court, if there be circumstances of aggravation; and that in case of non-payment, sentence of imprisonment may be pronounced, from one day to three months, should the culprit be an old offender.— Before the revolution the laws against poaching had been increasing in severity, till Henry 4th made its punishment the gallies; and poaching went on, almost unchecked, though the gallies were thronged with poachers. On the revolution all law ceased, and the game was nearly all destroyed; every man taking his revenge on it. Since the present laws have been acted on, the game has increased rapidly, every land-owner becoming his own game-keeper as well as game-keeper to his neighbour. And, with the sole exception of attacking the pheasants in the royal forests, where the gamekeepers are understood to be the poachers, the trade of poaching has ceased in France.

Mr. Gurney observed, that the violences so much complained of had been tempted almost of inevitable consequence by the game preservers. That while sporting was sporting in England, they had been little heard of. When wild animals were chased over a wild country by wilder men; but that when in the march of cultivation, every man's space was circumscribed; and when to game, which was game, succeeded the feeding, and rearing, and driving, a valuable, half tame, and exotic bird, not felt to be any one's property, but guarded in its covert by legions of game-keepers,—what had followed, might have been expected to follow, that bands of marauders would turn out, and attack both the pheasants and their defenders.—The evils of such a system, which made men as it were of necessity, the hunters of men, were glaringly obvious. The returns which had been laid on the table showed that the captives made in this miserable, domestic warfare, were becoming so numerous, that if it were allowed to connue, the gaols would hardly contain them. He therefore most earnestly hoped that the hon. colonel would carry his bill. For if things went as they were going, they would have to keep up instead of dismantling, the Norman-cross, and Dartmoor establishments, as depots for their prisoners of peace.

Mr. *Goulburn* miantained, that in those countries where game was considered private property, poaching had increased and game disappeared. He denied that that law which was applicable to the character and usages of the French people, would be equally applicable to the character and usages of the English.

Colonel *Wood* said, he believed it would be the most prudent way not to press his motion for the second reading of the bill to a division. He thought it would be best to defer any further proceeding, and see if at a future period a more acceptable measure could be devised by a committee.

The amendment was accordingly agreed to.

HOUSE OF LORDS.

Tuesday, June 10.

POOR EMPLOYMENT BILL.] The Earl of *Liverpool*, on moving the third reading of this bill, stated shortly, the grounds on which it was proposed. He admitted, that the general principle was against measures of this nature, because it was much better, with regard to the greater part of public works, to leave them to those who undertook them as a commercial speculation, and with a view to profit, than to interpose the assistance of government. And the fact was, that the greater part of those public works, which were now of any importance, had been carried on and completed by means of the speculations of individuals and private bodies. There were, however, to this general principle, exceptions founded upon special circumstances, where the aid and interposition of government might be of effectual service, both with respect to the assistance actually afforded, and to the spirit excited by it, with a view to the furtherance of the objects sought to be carried into effect. It was upon the ground of special circumstances of this nature that pecuniary aid was afforded by government to the commercial body in 1793 and 1811, and which assistance was productive of the greatest advantage. The present bill was also founded upon special circumstances, which, though not altogether the same as those existing in 1793 and 1811, were nearly similar, the main object being to relieve the difficulties arising from a diminution of the circulating medium, and a deficiency of credit, by advancing money to carry on public works, and thereby giving employment to a number of the labouring poor, who could not otherwise obtain it. The two objects of the bill were, to advance money for the carrying on of public works, and also to parishes with a view to relieve the pressure of the poor-rates. With regard to the latter, he did not anticipate that there would be many calls for money, but if it should afford a relief in only a few instances, still the enactment would be of considerable service. With regard to public works, he conceived that an advance of money for the purpose of commencing or carrying on works of public utility, would be, under the pressure of present circumstances, most beneficial in its consequences, by giving employment to a number of persons, for whose labour there was at this time no demand. The difficulties which existed had arisen from a combination of circumstances which peculiarly called for the special interposition of parliament. The depreciation of landed property, compared with its value for the last few years, had, in the first instance, created considerable embarrassment; but this evil, he believed, was now beginning to diminish, by the increasing value of that description of property. The depression of the manufacturing interest, another great evil, was to be attributed to the over-trade carried on for some years with the continent, and the consequent diminution of the demand for our manufactures, which had necessarily thrown a number of persons out of employment, and lessened the demand for labour. Added to this was the effects of the late bad harvest, which, immediately increasing the price of provisions, at a period when the demand for labour had greatly diminished, unavoidably increased the pressure; but which also, by its operation on the continent, tended materially to increase the pressure upon the manufacturing interest. On the continent, with respect to the distress arising from the scarcity of food, the people were much worse off than in this country; and he had himself received accounts that day from Germany and France, respecting this subject, which were quite appalling. It of course followed, that provisions being raised on the continent to four times their former price, the incomes of a great number of persons were wholly employed in procuring subsistence, and they had no surplus whatever to lay out in articles of manufacture. This necessarily increased the pressure upon the manufacturing interest here, and precluded a demand for labour. It was under these special circumstances of pressure and difficulty, that he proposed to their lordships to agree to the present bill; and though, undoubtedly, time was the only effectual remedy, under the operation of which the pressure and difficulty would gradually cease, still this measure, as a temporary relief, would, he conceived, be of essential service.

The Earl of *Lauderdale* was glad to hear the noble lord advocate the general principle, that it was unwise in government to interfere in affording aid for the carrying on of public works which were best conducted by individuals as a speculation with a view to their own profit. He could not, however, see, that in the argument with regard to the exception, any good ground was laid for the present measure. The noble lord had himself admitted, that with respect to the proposed advances of money to parishes, the bill would be of no use; why, then, insert these clauses at all? The only effect would be to increase discontent. A general idea had gone forth, that this bill was to operate as a sort of general parochial relief, and what must necessarily be the effect of the disappointment but increased discontent? The measure was altogether one which it would be much better not to pass; and when he saw that after three months deliberation upon circumstances known at the commencement of the session, the only result was the present bill, under which money borrowed at $2\frac{1}{2}$ per cent. was to be lent at 5 per cent. thereby obtaining an usurious interest, he could not help thinking the bill little calculated to make any favourable impression upon the public mind. The noble lord had maintained that the difficulties of the present period, with regard to the state of our manufactures, had arisen merely from a transition from war to peace, but this was by no means a true view of the question. The real facts were, that by means of the enormously increased expenditure of the country during a period of twenty years, there had been a greatly increased demand for our manufactures, and consequently a continually increasing demand for labour, by which population was naturally increased. The necessary consequence of a decrease in the public expenditure was, a diminished demand for manufactures and a diminished demand for labour with an increased population. How was it possible to find employment for the surplus labour for which there was thus no demand? The noble lord proposed a partial relief by giving employment to a certain portion of labour, but this would only aggravate the evil. The money advanced was to be repaid at the end of two years, and then there would only be an increase of the evil in the accumulation of unemployed labour. Thus there would be in point of fact, no remedy for the evil, whilst another evil of no small moment would be created. The money was to be advanced upon the security of individuals, but in such a way and with such means of recovering it by immediate process of law, that persons might well hesitate to become security under such circumstances; and what was the consequence? that the higher classes were unjustly held up as objects of detestation to the lower ranks, already too prone to make attacks upon persons of property. What, besides, would be the effect of the advances for carrying on public works with regard to the employment of the poor in the neighbourhoods of those works; persons having to carry on works with a view to profit, would of course employ the best workmen at the cheapest rate; they would seek for them wherever they were to be found, and bring them to the spot, without any regard whatever to the poor of the immediate neighbourhood. Under all these circumstances, he thought it would be much better to postpone the bill.

The bill was read a third time and passed.

HOUSE OF COMMONS.

Tuesday, June 10.

PUNISHMENT OF WHIPPING FEMALES.] General *Thornton* moved for leave to bring in a bill to abolish the public whipping of females: he had been more especially led to this by an article which had appeared in the Inverness Journal, which stated, that a woman, young and beautiful, had been whipped in the public streets—that she was in a state of intoxication, seemed quite lost to every sense of her situation, and shortly returned to her old courses. Spectacles such as this were not likely to improve the public morals. The punishment had been partially abolished in England, and he proposed to abolish it entirely, by commuting the punishment for hard labour in a workhouse, for a period not exceeding three months.

The motion was agreed to.

BANKRUPT LAWS.] Mr. *John Smith* said, he had no intention, in the motion which he was about to submit to the House, to reflect in the slightest degree on those gentlemen who held the situations of commissioners of bankrupts. He knew the numerous difficulties under which they laboured, and he was aware, that, in the circumstances in which they were placed, they performed their duty better than could be expected from them. The evils, however, of the present system were intolerable. In proof of this he referred to the numerously and respectably signed petition which he had presented to the House on the subject, and which conveyed the sense of all the commercial interest of the metropolis, complaining that the place allotted in Guildhall for the business was totally inadequate for the purpose. The crowd and the noise rendered it impossible to enter into a proper investigation of the proof of debts. This might easily be remedied. But the most material evil was, that a system of horrible and scandalous fraud existed in the administration of the Bankrupt Laws—to such a degree, indeed, that of the number of bankruptcies within the last two or three years, half the bankrupts made no dividends at all. Many other grievances he would not detail; but they proved the total inadequacy of the bankrupt laws to protect the creditors, and even the bankrupt himself. The hon. gentleman then entered into a detailed history of a proceeding in a case of bankruptcy, and dwelt particularly on the difficulty which assignees experienced in the discharge of their duty; on the great frauds which occurred in the obtaining of certificates; and on the want of all distinction between moral and immoral bankrupts; and concluded by moving, "That a select committee be appointed to consider the bankrupt laws, and of the operation thereof."

Mr. *Wrottesley* was far from wishing to object to the motion; but he begged to suggest to the hon. gentleman, whether he thought any public advantage could be reaped by entering upon an inquiry into so extensive a subject at so late a period of the session. Might it not be more expedient to move a resolution, that the House would take the matter into consideration early in the next session.

Mr. Serjeant *Onslow* was persuaded that a Select Committee might make great progress in investigating the subject during the present session; and, certainly, there was no subject which more loudly demanded immediate investigation.

Mr. *Grenfell* thought, that the best mode of securing the attention of parliament to this important subject, in the next session, would be to appoint a committee, and to proceed in the inquiry, as far as possible, during the present session.

The motion was agreed to.

EXTENTS IN AID.] Mr. *W. Smith* moved for the appointment of a Select Committee to inquire into the subject of Extents in Aid; grounding his motion on the utter insufficiency of the bill introduced by the chancellor of the exchequer, to reach the greater number of the existing evils.

Sir *M. W. Ridley* seconded the motion, and described a case of great hardship at Durham to prove the evil of extents in aid.

The *Chancellor of the Exchequer* had no objection to the motion, and declared, that the only object which he and his colleagues had in view on this question was, that of securing the rights of the Crown without doing injustice to the subject.

The motion was agreed to.

CIVIL SERVICES COMPENSATION BILL.] The report of this bill being brought up,

Mr. *Tierney* thought that a compensation ought to be granted to the Crown for those means of rewarding public services of which it would be deprived by the abolition of sinecures: the only question was, as to the mode and amount of such compensations. He would strongly object to that part of the measure which made length of service a criterion of merit. If so, did any body suppose that three years were sufficient to be spent in a cabinet office to entitle the individual to a cabinet pension? Besides what reason was there for making a difference between the period of their service, and that of those who held inferior situations? This measure was spoken of as one of economy; but its economy to the nation would not be considerable. In the first place, it might create a greater expenditure. At the end of two years government would have at its disposal pensions to the amount of 11,000*l.*, while, perhaps, not one of the sinecures would fall in to the public relief. At the end of four years, 18,000*l.* of pensions might be given away without any proportionate compensation to the country in the abolition of useless places. The whole saving that would accrue to the public at the death of the present holders of the sinecures abolished by the bills before parliament was calculated to amount only to 95,000*l.*, and against that, at the end of 12 years, there might be placed 42,000*l.* of pensions, granted to the Crown in compensation. This saving might at first sight appear considerable, but it would upon examination be found much less than had now been stated. Besides, it would not be realized for many years: while, during some time to come, the system of pensions would create a positive loss to the country. This bill, with these objections against it, had passed through the House without much opposition, precisely because confidence was placed in that committee from which it originated; and which, from the little attention it bestowed upon the subject of its inquiry, did not deserve any. There was no evidence in the report to show the policy of the measures it recommended, or to point out the saving that would accrue to the public. He could not but regard this measure, therefore, as a gross delusion practised upon the public; from which the country would gain nothing, and whose only result would be, an increase of the national burthens and ministerial patronage. The cabinet would in 4 years have the power of engrossing for their own behoof 9,000*l.*: and if the ministers had the good fortune to stick to their places for 4 years, they would have at their disposal 18,000*l.* They made no question about the falling in of sinecures: they only thought of the increase of their patronage. He was of opinion, that no pension should be conferred till the consolidated fund had the benefit of the falling in of an equivalent sinecure salary. The bill, he thought, ought to be sent back to the committee to be amended. He stated these objections; he would ground no motion upon them. A triumphant answer to them might be expected from the noble lord; but he could not disprove figures. He had no reluctance to remunerate meritorious civil officers, but the measure should be carried into effect in a way that, under the pretence of economy and of a saving to the public, should not increase the public burthens or the ministerial patronage.

Lord *Castlereagh* said, it was rather strange that the right hon. gentleman should have been so long silent, if he really relied on the deductions of his own reasoning; and that he had suffered two bills to pass, and to be carried up to the Lords, without opposition, which were much more objectionable, in every point of view, than the present. The right hon. gentleman had acted unfairly in leaving out the savings that would fall in from the abolition of the offices in Ireland. This was a most important omission when calculating the amount of the future balance to the public from the present measures. The compensation was given in lieu of all the offices, and the right hon. gentleman had compared its amount with the aggregate salaries of only a part. The right hon. gentleman had said, that in two years 11,000*l.* of pensions would accrue to the Crown from this bill, and in four years 18,000*l.* This statement he (lord C.) denied. Without including the supernumerary pensions which would be placed at the disposal of the Crown, only 5,500*l.* would be placed in the power of government at the end of the first two years; and, at the end of four years, only 18,000*l.* There was no probability that the 42,000*l.* which was the amount of the pension list created by this bill, would ever be in complete operation at the same time. The discharge of 30,000*l.* was probably as high as it would go. The right hon. gentleman had, however, taken the pensions at the highest, and the sinecures at the lowest estimate, exaggerating in the one case, and omitting in the other. The noble lord seeing no reason to alter his opinion, would give this measure his full support. He could conceive no other object which the right hon. gentleman had in view, by disgusting the House and the country with the observations he had stated, but to make a speech; as he proposed no amendment, and concluded with no motion. Why did he not oppose the proceeding in the committee? Why did he not state his opinions earlier? or, why did he now state them at all? Had he turned his back on his old friends, and was he prepared to disgust the country by opposing a measure less exceptionable than the one he formerly supported? His opposition, he hoped, would have no effect against the adoption of a measure of undeniable economy; manifesting a sincere desire to meet the reasonable wishes of the people by a great sacrifice of patronage, and an important retrenchment of expenditure.

Mr. *Calcraft* contended, that by this measure the public would be a gainer by the difference between 100,000*l.* and 42,000*l.* besides they would be getting rid of offices odious to the country. Further reductions might also be made in the pension list, which could be applied towards the pensions created by this bill.

The report was then ordered to be brought up. Mr. D. Gilbert moved several clauses, which were agreed to. Mr. Calcraft moved a clause, "That any person who may accept a pension under this act, shall vacate his seat in parliament."

Mr. *Canning* objected to the clause. The acceptance of a place caused the seat of a member to be vacated, because the member was supposed to be thereby more under the influence of the Crown, and was therefore sent back to his constituents, to determine how far he was still worthy of their confidence; but in the acceptance of a pension the case was quite different, for the pension was received on retiring from office, and at a time when the person ceased to be under the influence of government.

Lord *Milton* contended, that the pensions were a substitution for offices, on receiving which members were obliged to vacate their seats.

Mr. *Robinson* said, the pensions under

this bill were given as positive rewards for service done, while the sinecure offices were bestowed as a mere matter of favour. After some further discussion, the House divided on the clause:—Ayes, 27; Noes, 64.

List of the Minority.

Barnett, James
Browne, Anthony
Calvert, C.
Duncannon, visc.
Douglas, W. R. K.
Finlay, Kirkman
Fergusson, sir R. C.
Gordon, Robert
Hammersley, H.
Heron, sir R.
Lewis, T. F.
Lefevre, C. Shaw
Martin, Henry
Martin, John
Milton, visc.
Newman, R. W.
Newport, sir John
Neville, hon. R.
Ponsonby, rt hon. G.
Rashleigh, Wm.
Sharp, Rd.
Smith, Robt.
Tierney, rt. hon. G.
Teed, John
Vyse, R. W. H.
Webb, Ed.
Wilder, general

TELLERS.

Calcraft, John
Ridley, sir M. W.

On the motion, that the bill be read a third time to-mrrow.

Lord *Milton* repeated his objections to the principle of the bill, considering it a principle wholly new in the government of this country, and calculated to degrade the character of public men.

Mr. *Robinson* was surprised that gentlemen should have kept back their constitutional objections to this late stage of the bill. As to any man looking towards this remote pension as a bribe, he did not believe that there would be much competition for such a prize. It must be, as indeed it ought to be, a hopeless speculation in a pecuniary point of view.

Mr. *Gordon* differed from the right hon. gentleman: he thought that the very limitation of the rewards would excite a keener competition. Any person at all acquainted with commercial speculations knew well, that a great prize or two awakened a keener appetite than many small ones. This bill would, for the first time, make politics a trade; a circumstance the more to be regretted at a moment when the public were not disposed to look with peculiar favour on official men of whatever party. As to the argument about the necessity of remunerating men who left lucrative professions, he conceived that it would be better if such persons remained in their profession, if gain was their object, and if they could not be contented with the higher honour of being called to assist the sovereign with advice for the benefit of the people. Much had been said about the services rendered to the country by the labours of ministers. For his own part, he thought that instances might arise when ministers might do much more good by resigning than by keeping their places. But the paltry temptations of the present bill would tend to keep ministers in till they had carried their pension by length of service. Thus, it was possible to imagine (he was of course merely putting a supposed case), that at some future time there might be serious divisions in the cabinet on some question of even vital importance, and that some particular minister might be subjected to some disagreeable slight on that account; and such a man might by the present bill, be induced to cling to the office which he would otherwise reject. He might say "Well, this is very unpleasant; but let me wait a little longer, and then I shall have a pension to console these indignities. Meantime, let "bear and forbear" be my maxim:

> "Quicquid erit: superanda omnis fortuna
> ferendo est."

Mr. *Hammersley* said, that the power of the House of Commons was at an end, if it could not take away any unnecessary and hurtful prerogative from the Crown without supplying an indemnification.

Sir *R. Heron* thought the bill highly objectionable in the present bankrupt state of the country. He conceived that the Crown had sufficient means of rewarding its servants out of the old pension list; and if the bill should unfortunately survive so long as a third reading, he should move a rider to that effect.

The House divided:

Yeas - - - - - - - - 75
Noes - - - - - - - - 20

List of the Minority.

Boswell, Alexander
Barnett, James
Calvert, Charles
Carter, John
Duncannon, visc.
Douglas, W. R. K.
Fergusson, sir R. C.
Gordon, Robt.
Hammersley, H.
Lefevre, C. Shaw
Martin, Henry
Martin, John
Milton, visc.
Newman, R. W.
Newport, sir J.
Neville, hon. R.
Ponsonby, rt. hon. G.
Tierney, rt. hon. G.
Teed, John
Webb, Ed.

TELLERS.

Heron, sir R.
Ridley, sir M. W.

HOUSE OF COMMONS.

Wednesday, June 11.

PERSONS IN CONFINEMENT UNDER THE HABEAS CORPUS SUSPENSION BILL.]—

Lord *Folkestone*, adverting to his motion on Thursday last, for an instruction to the secret committee, that they should obtain information with respect to the number of persons confined in consequence of the suspension of the Habeas Corpus, observed, that the motion which he was about to submit to the House was similar in substance, but did not contain every thing comprehended in his former motion. It appeared to him to be most important to obtain the information to which he alluded before any proceeding took place, such as it was apprehended might be proposed, for the renewal of the suspension. On the former occasion the noble lord objected to give the instruction to the committee, on the ground, first, that it would be putting the secretary of state on his trial; and, secondly, that it would tend to divulge circumstances which ought not at present to be made public. He conceived that the adoption of that proposition would not have occasioned any inconvenience to the secretary of state, or any danger to the country. However, the House thought proper to reject it. He should now confine his motion to a return of the persons in confinement, without any inquiry into the cause of their apprehension. His motion, however, would comprise several objects; and first, the number of such persons. It was most desirable to know how many persons had been confined under the suspension. Whether that number, however, should turn out to be large or small, he should equally maintain that the suspension was reprehensible. If small, he contended that the suspension ought not to have taken place on such slight grounds; if large, he reprobated confiding powers so important to those who used them so extensively. Next, he wished to know the circumstances and occupations in life of any persons who were confined, before they were found out to be traitors. Never, in any former case, had the Habeas Corpus been suspended unless when persons of some opulence and consequence were implicated in seditious proceedings. In the present instance it was notorious that directly the contrary was the fact.—He had gone yesterday to Reading gaol, but found that, by an order from the secretary of state he was prevented from seeing the prisoners confined there. He had, however, made some inquiries with respect to them. He learnt that one—a man of the name of Knight—was in circumstances so extremely needy as to be hardly able to procure the necessaries of life. This person was represented as being most troublesome, because he had written some letters stating the misery of his situation. He (lord F.) believed, that if he was not actually a lunatic, he was in a fair way of being made so. Among other applications, he had, it seemed, transmitted a petition to an hon. and learned friend of his in that House, but being found too weighty for the post, it had been returned to him, and he could not afford to pay the postage. As to the other prisoners, they were described by the gaoler to be the most harmless, quiet, inoffensive creatures he had ever met with in his life. One was a journeyman cutler, another was a journeyman tailor, who could neither read nor write. Were these the formidable people, the apprehension of whom was about to cause the renewed suspension of the liberties of a whole nation? If so, it was of great importance that it should be known to parliament before the discussion should take place on that proposition. The last subject on which he desired to obtain information was, the place in which those persons were arrested, and the place in which they were confined. It was evident, that the severity of the punishment which these individuals endured, must be greatly aggravated by their removal to a distance from their homes. He understood that the persons who were lodged in Reading gaol, were brought from Manchester. Why was this? He repeated, that it must be a great aggravation of their distress, to be removed 200 miles from their friends, and to be deprived of the opportunity of receiving a supply of food, clothes, wine, or any thing necessary for their support and comfort. Under this impression, he would move, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, a list of all persons now in confinement in Great Britain, by warrant of either of the secretaries of state, or of six privy-councillors, detained under the provisions of an act, passed in this present session of parliament, 'for enabling his 'majesty to secure and detain such persons as his majesty shall suspect are 'conspiring against his person and government;' specifying the names of the persons so confined, their trades, professions or occupations, their ages, the places of their confinement, the places where arrested, and the dates of their arrest and commitment; and also the name or names of the persons who signed the commitment."

Mr. *Addington*, in the absence of the noble secretary of state, said, he had no objection to agree to a motion for the numbers, ages, and places of confinement of the parties who had been committed; but he submitted, whether any object would be attained, and whether it would not be detrimental to the parties themselves, to give their names as required. As to the letters written by Knight, in Reading gaol, the letter which had been sent to his wife containing a petition, but of which she was unable to pay the postage, had been forwarded to the home-office, and thence to the individual for whom it was intended. The noble lord ought to consider the great burthen thrown on ministers in the execution of the purposes of the act, and that, if they failed to commit a suspicious person, they were quite as responsible as if they committed an innocent individual.

Sir *F. Burdett* observed, that seeing that the allegations on which the bills for suspending the liberties of the country had been proved to be false; seeing, that under those bills, several persons had experienced a very cruel punishment; seeing that these practices were illegal, unconstitutional, and unknown until the unfortunate period of 1794; seeing that they augmented as the apparent necessity diminished, and that now, when there was no pretence for them, they existed to a greater extent than at the time when some pretence might be assigned, he hoped his noble friend would not alter his motion, which asked as little as could be asked from any administration holding the power which had been confided to the present. He was at a loss to conjecture why his noble friend's motion was resisted. In 1797 he (sir F. Burdett), in similar circumstances, made a similar motion, which was assented to without any hesitation. At least the country was entitled to know the names and every thing tending to give as much security to the persons who were confined as was compatible with the deprivation of their freedom. This would appear to be the more necessary when it was recollected that, on a former occasion, the individuals who were confined under a suspension of the Habeas Corpus, were never brought to trial. A bill of indemnity was passed in favour of those by whose authority they had been apprehended; and it was proved that the only persons who had broken the laws were the ministers themselves. It should be remembered that the persons in question were cut off from all intercourse with their families, on the pretext that the conspiracies in which they had engaged might get abroad. There was no ground for believing this. There was not the slightest reason for imagining from the trials which were at present in progress, that there was any justifiable cause for depriving these persons of all intercourse with the rest of the world. The facts with which the persons now trying were charged, were well known before. Nothing new was discovered. To keep them, therefore, in close custody, was as abhorrent to humanity as it was a gross violation of the confidence which parliament had thought proper to repose in ministers. At any rate the House, surely had a right to know whom they had taken up. The right hon. gentleman had told them that his noble friend (lord Castlereagh) was absent, in consequence of official business. These gentlemen thought much of the sufferings of office, but never of the sufferings of their victims. For his part, he believed that the noble lord was just then taking a ride in the park. His absence was not very respectful to the House, or very consonant to the duties which he owed to the country. He trusted his noble friend would press his entire motion, as he could not imagine a shadow of reason for withholding the names of the persons confined under the suspension, and who he had no doubt would hereafter be found to be unjustly confined; and he hoped the House would not be easily persuaded to reject the motion. Did the House consider what solitary confinement was? Did they recollect that insanity was its frequent consequence? The power assumed by the executive government, with respect to the treatment of their prisoners, was most arbitrary and unjustifiable. He hoped the House would prevent it from continuing that treatment; he hoped they would agree to his noble friend's motion; and above all, he hoped, that when the time came for its discussion, they would refuse to renew that detestable act, by which the liberties of Englishmen were thus sacrificed.

Mr. *Canning* remarked, that the greater part of the hon. baronet's speech was addressed, not to the motion, but to a subject which had long before been discussed in that House—the confidence which the

House had been pleased to repose in the executive government, or rather the burthen which it had imposed on them in the responsible exercise of the extraordinary powers called for by the extraordinary circumstances of the times. The hon. baronet had not attempted to show on fair parliamentary grounds that this power had been abused; but he had endeavoured to persuade the House to lament its decision, and to express an unfounded distrust, which would give disaffection new spirit and courage at a moment the most critical that could be imagined. Did any man pretend to believe that the mischief had abated? Was it not notorious that on that very day intelligence had been received of fresh plans of disturbance? Instead, however, of contributing to assist in the suppression of these evils, the noble lord (if he persevered in his motion) and the hon. baronet endeavoured to induce the House to concur with them in declaring, that the power originally given to government for that purpose was monstrous, that it had been monstrously abused, and that it ought to be recalled. He had no objection to give the number, the ages, and the places of confinement of the persons who had been imprisoned; but to give their names, while their machinations were still operating, would be to afford useful intelligence to the disaffected throughout the country, and to make parliament the medium of the communication. He would therefore move, to leave out all the words from the word "House" to the end of the question, in order to add the words, "an account of the number of persons now in confinement in Great Britain, by warrant of either of the secretaries of state, or of six privy-councillors, detained under the provisions of an act passed in this present session of parliament 'for enabling his 'majesty to secure and detain such persons 'as his majesty shall suspect are conspiring 'against his person and government,' with their ages, and the places of their confinement."

Mr. *Ponsonby* was a good deal surprised, that the right hon. gentleman should agree to such an amendment and oppose the original motion. Did not the disaffected know at this moment who were taken up? It was impossible to prevent the friends and neighbours of any man so apprehended from knowing the fact as soon as it happened. What secret, then, could be communicated to them by exposing the names? To his understanding, it was impossible any danger could arise from it.

Mr. *Bathurst* attributed the motive of the noble mover to be, to accuse government of improper treatment of individuals [No, no!]. Then, why object to the amendment, which withheld the names? In various parts of the country there might be a connexion amongst the disaffected, but not such a connexion as might cause persons to know who had been taken up at hundreds of miles distance. The giving of the numbers and ages would prevent the knowledge by their partisans of what particular persons had been apprehended; but the names could be of no other purport than to form a ground of imputation against ministers, which must have the effect of weakening the hands of government, whose measures had already obtained the confidence of the House.

Sir *W. Burroughs* was surprised at ministers refusing what must shortly be fully known in the ordinary course of things. The calendar at the next assises must disclose the names that were now withheld. It was of the utmost importance for the House to be in possession of the names and description of the parties confined; for if it appeared that no man of property or connexion had been committed, that no foreign correspondence had been detected, or any agitation in a higher sphere of society, those considerations must weigh very seriously with the House, when they came to consider the question of the farther suspension of the liberty of the subject.

Lord *Folkestone* shortly replied, after which, the question being put, That the words proposed to be left out stand part of the question,

The House divided:

Ayes - - - - - - - - -	53
Noes - - - - - - - -	104

List of the Minority.

Burroughs, sir W.
Barnett, James
Bennet, hon. H. G.
Byng, Geo.
Brand, hon. Thos.
Baring, Alex.
Birch, Jos.
Calcraft, John
Calvert, C.
Curwen, J. C.
Cavendish, lord G.
Duncannon, visc.
Dundas, Chas.
Fazakerley, N.
Fergusson, sir R. C.
Finlay, Kirkman
Fitzroy, lord John
Grenfell, Pascoe
Gurney, Hudson
Guise, sir Wm.
Hughes, W. L.
Heron, sir R.
Hornby, Ed.
Lloyd, J. Martin

Lemon, sir Wm.
Langton, W. Gore
Mackintosh, sir J.
Moore, Peter
Mathew, hon. gen.
Methuen, Paul
Neville, hon. R.
Newport, sir John
Nugent, lord
North, D.
Ord, Wm.
Ossulston, lord
Osborne, lord F.
Ponsonby, rt. hon G.
Peirse, Henry
Pelham, hon. G. A.
Parnell, sir Henry
Ridley, sir M. W.
Ramsden, J. C.
Romilly, sir S.
Smith, Robt.
Sebright, sir John
Spencer, lord R.
Taylor, M. A.
Webb, Ed.
Wood, rt. hon. M., Lord Mayor
Williams, Owen
Williams, sir Robt.
Wharton, John

TELLERS.

Folkestone, lord
Burdett, sir F.

HASLEMERE—PETITION OF JOHN GREENAWAY.] Sir *F. Burdett* said, that he had a Petition to present which gave a fresh instance of the destructive immorality of the borough-mongering system. It was from a person of the borough of Haslemere, who stated, that at the last general election certain property had been conveyed to him by lord Lonsdale, to enable him to give his vote in favour of the candidates proposed by his lordship. He came, in fact, under the denomination of what, in borough-mongering language, is called " a Faggot." By these means had two gentlemen been returned to that House. Now this person had a qualm of conscience as to delivering again to lord Lonsdale the property which had been conveyed to him to suit the occasion. He thought it would be improper not to keep that which he had sworn to be his own. In consequence of this determination, he stated, that he had suffered much persecution at the instigation of lord Lonsdale. He still held the property, but he had at last been served with an ejectment by lord Lonsdale. He (sir F. B.) thought it impossible, when the petition should have been read, that the House should take no farther step against a practice which was the worst of treason, for it involved every feature of that crime which was odious and disgusting; it was a violation of the constitution, and combined perjury with ingratitude, want of faith with breach of trust. It was a miniature picture, comprehending all offences, and presenting an exact resemblance of the borough-mongering system. It was that system which created the dissatisfaction which the ministry wished to put down by force. The public at large knew that they had a right to be represented, and that no peer should interfere in the election of members. Nay, there were resolutions on the Journals of the House, making it a breach of its privileges, and consequently of those of the people, for any peer so to interfere. And what a system, which went in defiance of rights, privileges, and resolutions, to be tolerated! It was

> " A combination and a form indeed,
> On which each *devil* did seem to set his seal,
> To give the world assurance of a *fiend !*"

He concluded by moving, that the petition be brought up.

Mr. *Bankes* wished to know more particularly the grievance complained of in the petition, and its prayer.

Sir *F. Burdett* replied, that among many grievances a painful one was, that the petitioner had been the object of vindictive prosecution. The prayer was, that the House would take the case into consideration, and afford such redress as it might think proper.—The hon. baronet was about to read the whole petition, when

Mr. *Bankes* interfered, and objected to the reading of the petition, as being contrary to the usage of the House. He contended, in the first place, that a court of law was the place in which the petitioner should seek redress, and in the second place, that as to the original circumstance it was too distant in point of time to be made the subject of parliamentary consideration.

Mr. *Brand* would not discuss the question as to the authority of the courts of law. As he understood the matter, a committee sat on the election, and the petitioner had been a sort of agent or engine of the noble lord who nominated, as it appeared, to this borough. The petitioner swore to the property conveyed to him, and had kept it; and it did not appear, from all the circumstances, that he had a much earlier opportunity of stating his case. He felt it incumbent on the House to take some measures in this case; but how could the whole case be known, except the House heard the petition read? The House was bound to consider a subject of this nature.

Mr. *Bathurst* could not see how the House could take up the question, so as to decide upon it. A committee of the House had seated the two members. Would it be contended that this was wrong? In fact it was, if any thing, a legal question. The hon. baronet could say no more than that the petitioner had a legal title to his conveyed property; but that he had been served with an ejectment.

The courts of law must decide whether he had a *bona fide* property, or *vice versa.* The question to be raised upon this petition was far different from a general question. Proofs of particular property in the borough could not be brought before them; and the only way of discussing such subjects was, by a general proposition; such, for instance, as they had lately had.

Sir *H. Parnell* thought, that the circumstances of the case were of such a nature as to entitle the petition to the consideration of the House. He observed, that he had known a man to be called upon to return conveyed property the day after his vote. The conveyance was made to him by the agent of a peer who nominated for the borough.

Mr. *Peter More* observed, that the petition stated a distinct grievance to have been suffered by the individual; and where a grievance was felt, he hoped that in this country there was always a remedy. He trusted, therefore, that an opportunity would be afforded him, by the reception of the petition, to exercise his judgment on the case.

Mr. *W. Smith* must protest against the doctrine, that it was not the right of a member to read from a petition in the course of his speech. He never heard so from the Chair; but he remembered a good deal about the mode of presenting petitions; and what the presenter should or should not say on such occasions. It had been said, that the member should have read the petition, and seen that there was nothing in it improper. The House was always in a state of embarrassment on questions of this sort. If the statements of the petition, as far as they had been mentioned, were true, they told facts which were alike anomalous to the law of the land and the constitution of that House. A freeholder or voter should be so *bona fide.* This petition showed the contrary. Yet, when the subject of burgage tenures came before the House, they all felt that men had freehold or other property made over to them fraudulently, and for a particular purpose. According to an old saying of Mr. Lee, the qualification of property was nothing but a little hot wax and wet paper. This was to convey a *bona fide* right to the temporary occupier: but how did the question stand in common sense and law, when the conveying party brought his ejectment? The man to whom the property was made had it, or had it not. The man appeared to be persecuted, because he would not give up what was made over to him. Here the House were in their accustomed embarrassment on such occasions. It would be better to enact something to establish the right of burgage tenures intelligibly for the return of members, than to leave them as they were. They were now disgracefully covered with a cloak and a concealment. The petition showed the absolute necessity of some reform. He had nothing to do with the petitioner's conscience. While these boroughs existed, it seemed good that now and then these faggots, as they were called, should come under the notice of parliament.

The *Speaker* said, that he wished to offer a few words relative to the right of a member to read in his place a petition as part of his speech. It certainly was expected from every member, that he should read a petition before he presented it, in order that he might be enabled to state to the House whether it was couched in decorous language, and what were the facts it contained; but it was contrary to the invariable practice to read the petition itself in the course of his speech. In answer to another point alluded to at an early part of the debate, when it was urged that if a petition was brought up, it should afterwards be read at the table; he was of opinion, that if the petition was in itself objectionable, or if the prayer was such as could not be complied with, it was in that stage, as well as in any other liable to be opposed.

Mr. *Curwen* hoped the House would not be unwilling to hear the petition read. It stated some things which went against the honour and dignity of the House of Commons, out of which some measures might spring which might be of importance to the character of the House for its own vindication. The public discontent did certainly arise, in some part, from an idea of the improper construction of that House. He could not see how the petition could be refused.

Sir *R. Fergusson* thought the House would not consult its own dignity by refusing to receive the petition.

Sir *F. Burdett* said, that if it was a rule of the House to prevent the reading of petitions in the way that he had done, nothing could be more easy than to describe the substance. He was not at all surprised at the objections made to the reception of the petition by the member for Corfe Castle, and others who were returned in the same way which the petition went to expose. It was quite natural that they should raise objections *in limine*. The petition went to charge a peer of parliament with interfering in the election of a member. How could the House get rid of that? It went further to state, that the interference was fraudulently conducted. Though the House might shut its ears against those facts, the country would not; and unless some step was taken, he should be compelled to bring the question forward in the nature of a charge, so as to oblige them to entertain it.

The House divided on the question, That the Petition be brought up: Ayes, 15; Noes, 47.

HOUSE OF LORDS.

Thursday, June 12.

Second Report of the Secret Committee of the House of Lords Respecting Certain Dangerous Meetings and Combinations.] The Earl of Harrowby, President of the Council, presented the following

Report of the Secret Committee appointed to take into consideration the several Papers sealed up in a Bag, and delivered by command of his royal highness the Prince Regent.

By the lords committees appointed to take into consideration the several Papers sealed up in a Bag, and delivered by command of his royal highness the Prince Regent, and to report to the House; and to whom were referred several other Papers sealed up in a Bag, also delivered by command of his Royal Highness:—

Ordered to report, That the committee have met, and proceeded in the examination of the papers referred to them.

It is their painful duty to report, that these papers afford but too many proofs of the continued existence of a traitorous conspiracy for the overthrow of our established government and constitution, and for the subversion of the existing order of society.

The attempts of the conspirators have indeed hitherto been frustrated by the active exertions of the government, and particularly of the magistrates in different parts of the country, in execution both of the general laws provided for the maintenance of the public tranquillity, and of the special powers recently given by parliament for that purpose; but the information contained in the papers referred to the committee, leaves no doubt in their minds, that the same wicked and desperate designs are still actively pursued. The information from which they have drawn this painful conclusion, appears to have been collected from many various sources often unconnected with and unknown to each other; but it is uniform in its general result, and it is corroborated by a striking correspondence in many minute particulars.

This intelligence must be considered as resting in many of its parts upon the depositions and communications of persons who either are themselves more or less implicated in these criminal transactions, or who have apparently engaged in them, but with the view of obtaining information, and imparting it to the magistrates or to the secretary of state.

The testimony of persons of both these descriptions must always be in some degree questionable; and your committee have seen reason to apprehend that the language and conduct of some of the latter may, in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting. After making, however, to the best of their judgment, all due allowance for these circumstances, the committee are fully persuaded that the following is a correct and not exaggerated statement of the result of the information which has been brought under their view.

The Papers relate almost exclusively to the principal manufacturing districts in some of the midland and northern counties of England; and although the disaffected in the country appear still to be looking to the metropolis with the hope of assistance and direction it is to the parts of the country above referred to, that the more recent projects of insurrection seem to have been confined.

The committee think it their duty here to remark, that although in many of these districts particular causes of distress have no doubt operated to expose the minds of the labouring classes of the community to irritation and perversion, yet they are persuaded that this distress must for the most part be considered rather as the instrument than as the cause of disaffection. In some of the places where these practices have prevailed, they believe the want of employment to have been less felt than in many other parts of the kingdom; while in other places, where the pressure has been perhaps most grievous, it has certainly been sustained with a spirit of patience, loyalty, and good order, which cannot be too highly commended. And your committee cannot refrain from expressing their opinion, that it is chiefly by the means pointed out in the report of the former committee, by the widely-extended circulation of seditious and blasphemous publications, and by the effect of inflammatory discourses continually renewed, that this spirit has been principally excited and diffused. By these the attachment to our established government and constitution, and the respect for law, morality, and religion, have gradually been weakened among those whose situations most exposed them to this destructive influence; and it is thus that their minds have been prepared for the adoption of designs and measures no less injurious to their own interests and happiness than to those of every other class of his majesty's subjects.

Since the period of the former report, Manchester and its neighbourhood have (as far as your committee has seen) been the only places where meetings have been convened and assembled sufficiently numerous to create immediate apprehensions for the public tranquillity. At a meeting which was convened there on the 3rd of March for the purpose of petitioning against the suspension of the Habeas Corpus act, and where several thousand persons appear to have been assembled, it was proposed and agreed to that another meeting should be held on the following Monday, viz. the 10th of March, with the professed intention that ten out of every 20 persons who should attend it should proceed to London with a petition to his royal highness the Prince Regent.

The interval was employed in almost daily meetings of the disaffected, which were numerously attended. The real intentions of the leaders were there developed to their followers in speeches of the most undisguised violence. One of them avowed that he was a republican and a leveller, and would never give up the cause till a republican form of government was established. The people were told by others, that if their petition was rejected, they must force it: that the large towns in Yorkshire were adopting the same plan, and would meet them on the road, or at least march at the same time to London: that there was reason to believe that the Scotch were then on their march: that they should be one hundred thousand strong, when joined by the people of other manufacturing places upon the road; and that it would be impossible for the army or any thing else to resist them. These speakers appear in a few instances to have been checked by some of their associates, but their sentiments were for the most part received with strong marks of applause and concurrence.

Arrangements for the march were also pointed out at these meetings. It was recommended to those who intended to join in it to provide themselves with blankets, shoes, and knapsacks, as well as with money and food. Those who remained to work were to assist with their subscriptions. Every ten men were to choose one for a leader; and one was to be set over every hundred. Strong intimations were also given of the propriety and necessity of their providing themselves with arms; but these do not appear to have been acted upon, except perhaps in a few instances.

On the 10th of March the proposed meeting took place, to the amount, as is supposed, of from 10,000 to 12,000 persons at the least. Although some of their leaders had been previously arrested, and others were apprehended on the spot, the purpose was not abandoned; and large numbers of these deluded people marched off towards London.

A considerable body of them was stopped on the road to Stockport: some hundreds are stated to have passed through Leek: and one party proceeded as far as Ashbourne; but the activity of the magistrates in dispersing the meeting, and in stopping the progress of these bodies, effectually prevented the execution of a design, which could not probably have failed to disturb the peace of the counties through which so numerous an assemblage was to have passed; and which, if prosecuted to its full extent, must have led to consequences highly dangerous to the public tranquillity.

The discomfiture of this attempt does not, however, appear to have materially discouraged those who had planned it: their measures were uninterruptedly pursued. Within a very short time after this failure, fresh meetings were held in smaller numbers; they were composed, either wholly or in part, of delegates from the neighbourhood of Manchester, from the borders of Derbyshire, and from the manufacturing districts of Yorkshire. At some of these meetings reports were made of the quantity of pikes, or firelocks, and of bullets which could be provided for the intended rising. Communications were held about this time with Nottingham, Sheffield, and Birmingham by delegates, who were to give intelligence of the plans in contemplation, to excite the people of those places to similar attempts, and to ascertain the state of preparation to which they had advanced. In these proceedings the pretence of parliamentary reform appears to have been almost wholly discarded; they evidently point to nothing short of revolution; and it affords a dreadful proof of the extent to which the minds of many of those who attended these meetings have been inflamed and corrupted, that in public speeches the necessity of doing away with, or disposing of (as they term it), the persons most obnoxious to them, has often been openly and unreservedly announced; and that on one occasion it is stated to have been proposed, that Manchester should be made a Moscow, for the purpose of strengthening their cause, by throwing numbers of people out of employment.

It was on the night of the 30th of March that a general insurrection was intended to have commenced at Manchester. The magistrates were to be seized; the prisoners were to be liberated; the soldiers were either to be surprised in their barracks, or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of their barracks, of which a party stationed near them for that object were then to take possession, with the view of seizing the magazine.

The signal for the commencement of these proceedings was to be, the firing of a rocket or rockets; and hopes were held out that 2,000 or 3,000 men would be sufficient to accomplish the first object, and that the insurgents would be 50,000 strong in the morning.

At this period, and in other parts of these proceedings, there are traces of an intention to issue proclamations, declaring the king's subjects absolved from their allegiance, and denouncing death against all opposers; but the committee have not found any evidence of the actual preparation of such proclamations.

This atrocious conspiracy was detected by the vigilance of the magistrates, and defeated by the apprehension and confinement of some of the ringleaders a few days before the period fixed for its execution. The timely prevention of this desperate attempt appears to have given a considerable check to the proceedings of the disaffected in that quarter; and all the subsequent intelligence which the committee has seen from thence continues to be of a more favourable character.

During part of the month of April an intermission appears indeed to have taken place generally, at least of the more open proceedings. Public meetings in large bodies could no longer be convened, except under the regulations of the recent act of parliament. Numerous meetings of societies have been less frequently held in public-houses. In some districts clubs have been dissolved; in others their meetings have been suspended, or have been held in private houses, or in places remote from observation. The necessity of greater caution has been felt and inculcated; communications by writing have been discountenanced; the concealment of the names of leading persons has been recommended; and it has been thought better that a few persons only should be intrusted with their plans, and should give notice to the different delegates to have their partizans in readiness to act when required and as directed. These delegates appointed from various places have met in small numbers, and thus kept up a general but verbal correspondence among the disaffected.

Towards the end of April, and during the month of May, this correspondence appears to have been carried on with increased activity. As early as the fifth of that month a meeting is stated to have been held in one of the principal towns of the west riding of Yorkshire, and to have been attended by persons calling themselves delegates from other principal towns of that district; and also from Leicester, from Birmingham, and from Nottingham. At this meeting reports were made by the different delegates of the strength which could be collected from the districts which they represented. The numbers were stated as very large; but the committee are well aware of the exaggeration to be expected in such cases. It was about this time that the period for another general rising appears to have been fixed for as early a day as possible after the discussion of an expected motion for reform in

Parliament. Nottingham appears to have been intended as the head-quarters upon which a part of the insurgents were to march in the first instance. They were expected to be joined there, and on their march towards London, by other bodies with such arms as they might have already provided, or might procure by force from private houses, or from the different depots or barracks of which the attack was proposed.

At various subsequent meetings at different places, reports are stated to have been made of a great increase of numbers, so great that it was said on one occasion that they were obliged daily to extend their divisions, and enlarge their committee.

Concurrent information from many of the quarters from whence these delegates were said to be deputed confirms the expectation of a general rising about the time above mentioned, and states its subsequent postponement to the ninth or tenth of June, for which various reasons were assigned.

The latest intelligence from those quarters had made it highly probable that the same causes which have hitherto thwarted the execution of these desperate designs, viz. the vigilance of government—the great activity and intelligence of the magistrates—the ready assistance afforded under their orders by the regular troops and yeomanry—the prompt and efficient arrangements of the officers entrusted with that service—the knowledge which has from time to time been obtained of the plans of the disaffected, and the consequent arrest and confinement of the leading agitators, would occasion a still further postponement of their atrocious plans. Subsequent intelligence leaves no doubt that the plan, in its full extent, has for the present been frustrated; but the correctness of the information which had previously been obtained has been confirmed by the recent appearence of bodies of men in arms at the precise period which is stated to have been fixed upon, and particularly in one of the districts, which had latterly been represented as determined to act without waiting for a general insurrection.

The committee think it highly important to state, that the reports received from many of the most active magistrates, and from persons whose stations, both civil and military, have enabled them to collect the most extensive information, and to form the most accurate judgment as to the state of the country, concur in attributing in a very considerable degree the disappointment of the attempts already made, and the hopes of continued tranquillity, to the actual exercise of the powers which parliament has entrusted to the executive government, and to the effect of the known existence of such powers ready to be called into action when necessity requires it,—and in representing the danger which would threaten the country were those powers to be withdrawn at the present moment. And the committee feel that they should ill discharge the trust reposed in them if they did not declare their own entire agreement in this opinion. With the fullest confidence in the general loyalty and good disposition, not only of those portions of the kingdom which have hitherto remained in a great degree untainted, but of by far the most considerable part of those very districts which are the chief scenes of the operations of the disaffected—a confidence which very recent experience has satisfactorily confirmed—they cannot refrain from submitting to your lordships, as the result of all the information they have received, that the time is not yet arrived when the maintenance of the public tranquillity, and the protection of the lives and properties of his majesty's subjects, can be allowed to rest upon the ordinary powers of the law.

Ordered to be printed.

HOUSE OF LORDS.

Friday, June 13.

TOMKINS' PICTURE LOTTERY BILL.] On the order of the day for the second reading of this bill,

Lord *Erskine*, pursuant to notice, moved the second reading of this bill, which he offered to the most favourable consideration of the House, but not, he said, in that imperative manner which a circular paper of some friend of Mr. Tomkins, sent to many of their lordships, had laughably enough represented, viz. that he (lord Erskine) as a great patron of the arts, was to *command* the second reading of the bill now before them; all he could say of so amusing a communication was, that if the pictures which were to compose the lottery, if sanctioned by the House, were no more like their originals than this description was like himself, the prizes would be of small value indeed. He had no particular skill in pictures, and was only an admirer of the celebrated masters in common with every other man who was not born blind: and as to becoming a patron of the fine arts, if he were to think of assuming such a character, he must soon be coming down to the House for a lottery for himself [a laugh]. Nevertheless, he took a strong interest in the success of this undertaking, because the arts had ever gone hand in hand with the prosperity and reputation of nations; nor was it possible to support the dignity and character of a great state without the most liberal encouragement to genius in all its useful varieties.—But, putting aside the value of this Corinthian capital of a highly civilized country, its benefits to many ingenious and industrious classes of the people should be taken into the account. The collection was not confined to prints and drawings, but comprehended highly finished letter press to a great extent, which employed the manufactures of paper, workers in steel and brass, type makers, engravers, book-binders, and printers, &c. &c. Little more needed to be said, as the whole case appeared in the preamble to the bill, which must of course be proved in the committee, to entitle it to ultimate support. It appeared by it, that Mr. Tomkins, at an immense expense, had employed the most eminent artists to make copies of some of the finest pictures in England, comprehending the principal part of lord Stafford's splendid collection, and of many others of great value and beauty, amounting in the whole to 163. Now, it did not require to be a connoisseur in pictures to know that their composition was often as valuable as the colouring or execution, which the prints in question would certainly secure against all the assaults of accident or time.—He had also illustrated the Seasons of Thomson by most beautiful engravings which gave him a full title to his support, and to that of every countryman of the great poet of their land. Some of the prints might besides be great curiosities hereafter, as they faithfully represented what might never be seen again Yellow Sheaves in the beginning of August, and Reapers almost sinking under the Sun. The same merit attended Dr. Thornton's collection, for which there had been a similar lottery, as without a little more sun-shine we should soon know very little of flowers in all their beauties without referring to his book. But, to treat the subject gravely, the undertaking was of a high national description. He was by no means a candidate for bolstering up every wild and fruitless speculation with an act of this description; but Mr. Tomkins' adventure was rational and laudable, failing only from the peculiar circumstances of the times which had depressed many other useful objects of skill and industry, all of which it was the duty of the legislature by all possible means to restore. He could not, therefore, anticipate any possible exception to the principle of the bill, the only subject of their present consideration, more especially as nothing new had been introduced; it being precisely the same with those of Mr. Boydell's and Dr. Thornton's, which had before received the sanction of parliament. It had been somewhere thrown out as an objection, that the work was not finished; but that was the very case in the two instances he had just mentioned, and those lotteries, like the present, were to enable the authors to finish them. For this purpose trustees were, as by the present bill, appointed to receive the money from the subscribers, and to return it to them unless by their certificates the whole was completed in the same perfect style of execution with those already under their view. It might be said that sir James Burges named in the act was not an artist, but he was associated with one, and it would, besides, be an unfounded and absurd presumption that men of character and honour would accept such an arbitration without praying the aid of competent skill to assist them in their awards. Neither lord Ellenborough, nor the juries in the court of Kings'-bench, were artists; but did not questions on the originality and value of pictures occur very often, which were decided so as to give universal satisfaction? Lord E. said he was as little a friend to lotteries in general as any noble lord in the House. When the drawings continued for many days together they were nuisances of the most dangerous description, as it was impossible to prevent a destructive system of gaming, which descending to the lowest orders of the people, was the parent of robberies and thefts and frauds without number: but, in the present instance, not one of these objections could possibly attach—no lures of great property were held out to small adventurers as in the lotteries of the state, nor any that could invite any persons to become purchasers of the tickets except to obtain some work of genius at a lower price than the very same persons would probably have bought them if the lottery had never taken place. None of those indeed whom other lotteries had ruined, or might ruin, would probably ever hear of its existence. For these reasons he moved the second reading.

The Earl of *Lauderdale* opposed the bill rather upon general principles than on any reference to the merits of the particular case. He deprecated the frequency of applications of the kind, and adverted to the circumstance of several of the pictures in question being in an unfinished state, which he regarded as an unfavourable consideration in the case before their lordships.

The bill was read a second time.

HABEAS CORPUS SUSPENSION BILL.] Lord *Sidmouth* said, the report of the Committee of Secrecy being upon the table, he now presented a bill for continuing the power to his majesty of securing and detaining in custody persons charged with conspiring against his majesty's person and government. Their lordships might be assured that this bill was only brought forward under the full conviction of its indispensable and urgent necessity. The grounds of the measure he reserved stating till Monday, when he proposed to move the second reading of the bill.

Earl *Grey* said, that following the example of the noble viscount, he also should reserve till Monday the reasons upon which he founded his opinion in direct contradiction to that of the noble viscount as from all that he had seen or heard, he was satisfied there was no necessity whatever for the continuance of a measure for suspending the rights and liberties of the people of England.

The bill was read a first time.

HOUSE OF COMMONS.

Friday, June 13.

IRISH GRAND JURY PRESENTMENTS BILL.] On the motion for the second reading of this bill.

Mr. *V. Fitzgerald* said, that one great object of the bill was, the appointment of a civil engineer in each county to regulate and inspect the public works therein undertaken or the plans or presentments made. Another was the providing that all presentments, except on extraordinary occasions, should be made in the Spring assizes. It also extended the power of traversing all the objects of county assessment, by those who paid county-rates. Nothing was more essential to the well-being of Ireland than a reform in the mode of presentments by the grand jury. It would check the system of profligate jobbing and expense, and the frequent instances of perjury which occured in consequence of the mischievous system now in force.

Mr. *Barry* approved of the general principle of the bill, but he objected to levying all the assessments at one period of the year, as being calculated to create general inconvenience, and often distress.

Sir *H. Parnell* spoke in favour of the bill, though he apprehended the expense attending the appointments would be more considerable than had been at first apprehended.

Mr. *Peel* suggested the expediency of relieving the grand juries from so much of their oath of secrecy as related to the regulation of public works, conceiving that public opinion was the best check on improvident expenditure.

Sir *J. Newport* urged the immediate forwarding of the measure.

Sir *F. Flood* approved of the measure as far as it went.

Mr. *Croker* strongly recommended, that if there was to be but one presentment in a year, that presentment should be made at one assizes, and re-considered at the next.

Sir *N. Colthurst* saw no reason to be dissatisfied with the general spirit of the bill. He must still, in candour, confess that the clause which confined the passing of presentments to one particular assizes or sessions, was, in his mind, likely to create inconvenience to the civil business of the county.

Sir *G. Hill* opposed the bill, as being calculated to deprive the gentlemen of the county of their proper influence and authority, and to transfer it to the county surveyors.

Mr. *Cooper* observed, that although the bill was not as effectual as he could wish it to be, yet in the present state of the session he thought it more prudent to pass the measure than to permit things to remain in their present state.

Mr. *Abercrombie* referred to the report of the committee of the House on this subject, and contended, that every page of it rendered such a measure as the present necessary.

The bill was read a second time.

IRISH INSURRECTION ACT CONTINU-

ANCE BILL.] On the order of the day for going into a committee on this bill,

Sir *H. Parnell* rose to move, that the bill should be referred to a committee this day se'nnight, in place of this evening, for the purpose of having an opportunity of moving for the appointment of a select committee to inquire if there existed any necessity for this measure. The chief secretary for Ireland, had laid before the House, in the last session, a copy of a dispatch from lord Whitworth to lord Sidmouth, upon the state of the disturbances then prevailing in Ireland; and, a short time ago, he presented to the House papers, referring to certain outrages which had occurred in the county of Louth.—These documents he should propose to refer to a select committee, for the purpose of ascertaining, whether they afforded sufficient grounds to justify the continuation of the Insurrection act. It was upon the last of these documents that the right hon. gentleman called upon the House to continue these most severe and unconstitutional measures. But it was incumbent upon the House, before it acceded to his wishes, to exercise its inquisitorial powers, and minutely examine, whether the disturbed state of only four baronies in one county of Ireland, was a sufficiently strong case to show the necessity of this measure. The right hon. gentleman had also endeavoured to induce the House to sanction his proposal, by saying, the Irish government were entitled to have full confidence placed in them. But when it was a question, whether or not the most essential parts of the constitution were to be suspended, nothing could justify the House in acceding to it, but such a case being made out as should satisfy the mind of every member, that the circumstances of the country required it. He did not mean to blame the Irish government for the manner in which they had administered this law; but he meant to say, that no feeling of confidence in it ought to be permitted to have any influence upon the House in forming its judgment upon the question of continuing it. This law was one of such uncommon severity, that its provisions could not be too often brought before the House; it went to create six new transportable offences—to enable the magistrates at sessions to proceed to trial, without either grand or petit juries—and to sentence persons guilty of no greater crime than being absent from their homes after sunset, to be transported for seven years. But the right hon. gentleman, in palliation of his case, says, "the law is not general—the House may depend upon the moderation of the magistrates in requiring it to be enforced, and the forbearance of government. As to the magistrates, it was evident that the temptation which would exist to induce them to apply for its assistance on every symptom of disturbance, would be too strong to suffer it to be supposed they would prefer depending upon their own exertions and the ordinary laws to suppress them. What had happened in the county of Louth fully proved this—because it was clear from the papers, that what led the magistrates to apply to government for the application of this law, was the occurrence of one single outrage, which though of great enormity, was not sufficient in itself, as it seems the government so thought, to warrant the compliance with their wishes. The right hon. gentleman sets forth also the past conduct in forbearing to listen to the magistrates on several occasions; but this argument can have no weight, because there is about to be a change both in the office of lord lieutenant and chief secretary. As to the merits of the case of the right hon. gentleman, it was only necessary to refer to his own statements, to show it was a very bad one. When the right hon. gentleman brought forward this measure in 1814, he gave a history of the circumstances on which it was founded. He mentioned, that when first passed into a law, it was framed for the purpose of putting down open rebellion. That it was re-enacted in 1807, because there was reason to think a French party existed in Ireland; and he particularly stated in 1814, that he was induced to recur to it, in consequence of political associations, established by secret oaths, by which those who took them, engaged to subvert the government, and to transfer their allegiance to a foreign power. Thus it was that the right hon. gentleman has shown, that on all former occasions, the grounds on which this measure was sanctioned by parliament, was the existence of treasonable conspiracies against the state; but now, he advances no sort of allusion to the existence of any such conspiracies: but, on the contrary, we have the declared opinion of the noble lord, that none whatever do exist in Ireland. This was the avowed reason for not extending the suspension of the Habeas Corpus act to Ireland; so that the right hon. gentleman now proposes to continue the Insurrection act, on grounds wholly different from those upon which he originally proposed it; that is, upon the existence of some partial disturbances in four baronies in one county of Ireland. He thought this measure particularly objectionable, because it seemed to be one intended to complete a new system, which the right hon. gentleman had in contemplation, for the future government of Ireland, not to be founded upon the principles of the constitution. Though we were now in a state of perfect peace with all the world, the right hon. gentleman had, in the course of this session, proceeded just as if we were in the midst of war. He had first obtained an arms bill, a measure most inconsistent with the constitution; he had then made his own particular law, the peace act, still stronger than it was. He had attained a vote of an army of 25,000 men, besides 30,000 yeomanry, and 3,000 militia and staff; and to conclude the whole, he now sought the continuance of the Insurrection act.—But then it was said, "evidence cannot be got to convict offenders, or juries to give verdicts according to the evidence—such is the system of intimidation which is practised in the disturbed districts." But this is a statement wholly devoid of truth, as appears from lord Whitworth's dispatch, which shows that the ordinary laws are fully sufficient for the punishment of all offenders against the laws. By the appendix to this dispatch, it appears, that in the years 1813, 14, 15, and, at Lent assizes, 1816, no less than 268 persons were convicted at the assizes in ten counties for felonies connected with the disturbances which prevailed in these counties. If these facts did not go far enough to show that the continuance of the Insurrection law was not necessary, they certainly did prove the propriety of making some inquiry before this measure was adopted. This was all he wished the House at present to grant; for he did not mean to say abruptly, that no new law was wanting to secure the farther tranquillity in Ireland. But, on the contrary, if a committee was appointed, he should himself be prepared to point out some measure for strengthening the civil power. The great defect of the Insurrection act was, that it was so violent and unconstitutional a measure, that it was impossible to give it a general application, whenever a general measure was wanting in Ireland. The means which the magistrates possessed to suppress disturbances in the first instance, were not adequate to give full and proper effect to the laws. The consequence was, that illegal associations went on gaining ground with impunity, until it became necessary to apply to government for the aid of the army, or to such strong measures as this Insurrection act. A very great improvement, therefore, might be made, by rendering the constable more efficient, and more like what it was in England, where it served the purpose of suppressing, without military aid, the most formidable tumults. There might also exist cases in some counties of Ireland, where it might be advisable to allow the government to appoint police magistrates to assist the local magistrates, but not with an army of armed policemen. These measures would be fully equal, together with the existing ordinary laws, to enable the government effectually to suppress popular disturbances, but he did not conceive that these, or any such arrangements, could remedy all the evils that prevail in Ireland—at best, they were mere palliatives and expedients. His opinion was, that no radical cure could be effected until the House should commence a more general system of measures, by settling the Catholic question. The present state of this question must keep Ireland in agitation, and expose her inhabitants to be involved in outrages and disturbances, and contribute to render it difficult to administer the laws. It was only by carrying this measure, that a beginning could be made for effecting a complete cure of all the disorders that prevail in Ireland. The hon. member concluded by moving, "that the bill be committed this day se'nnight."

Mr. *V. Fitzgerald* said, that government had been driven to the measure by the necessity of the case. He could see no good ground for even one day's delay. The act had been passed by several successive parliaments, and no gentleman could be supposed ignorant of its contents. As the act was near its expiration, and thereby the government of Ireland would be divested of its present powers, it was thought necessary to revive it. Papers had been produced respecting the disturbances in Louth. The effect of these papers was attempted to be distorted, so as to show that there was no reason for renewing the act, except the disturbances in Louth. The government proclamation applied only to Louth; but not on the desire of the magistrates, because of a particular outrage; for their application was refused.—It was refused subsequently to that particular outrage: but that outrage was to be considered as coupled with the general state of the country. Every day had produced fresh outrages: and at length there was an unanimous request from the magistrates, and from a county meeting. After this the proclamation was issued. The outrages justified sufficiently the application of the law. It was not fair to mention the transportable offences occasioned by the act, without stating the particulars.—Whatever opinions might be entertained on particular measures, he had met with no one who did not speak in praise of the conduct of the Irish government. Still he would not confer extraordinary powers merely on personal grounds. The change alluded to, on the resignation of certain offices, afforded no reason for withholding necessary powers from the successors.—The Irish government acted under the eye of parliament, and before the still more awful tribunal of public opinion. The hon. baronet had read a despatch of lord Whitworth's, and then concluded that the ordinary laws were fully competent to the evil. He would admit they were so in the greater part of Ireland. He concurred with the hon. baronet's opinions respecting the Catholic question; but he must maintain, that the non-concession of the Catholic claims had nothing to do with those outrages which had occasioned the insurrection act. To say so was to libel the Catholics. The hon. baronet himself urged their claims on the ground of their peaceable, and loyal, and patriotic conduct. He could never silently suffer the re-echoing of what was to be read in the Irish prints, that the refusal of the Catholic claims was the cause of the disturbances.

Sir *S. Romilly* said, that all his hon. friend proposed was, to defer the bill for a week, to give more opportunity of inquiring into the reasons of it; yet that was to be refused. The right hon. gentleman asserted, that the refusal of the Catholic petitions had nothing to do with the disturbances, but how was an English member to form his judgment on the modest assertions of the right hon. gentleman? The House should pause awhile before they renewed an act of such severity. As far as he understood the bill, it gave a power by which even an innocent man might be transported for seven years, because he was absent from home. It was rather curiously observed, that the punishment was *only* for seven years; and it was added, that lawful cause of absence might be shown. The man must prove that; but he might not be able to do so satisfactorily. The law might possibly be necessary in the state of Ireland, but here was the power of punishing a man without a trial by jury, unless the court allowed him a trial. Individuals were to be tried by the magistrates, with the assistance of a sergeant, or king's counsel, if one could be had. The situation of the country might, unfortunately, be such as to require rigorous measures; but how could the House discharge its duty, when they saw passions intermixed in the discussion, without farther information, and some reasonable delay? No alarm at the outrages mentioned would be a sufficient justification for passing the bill without some inquiry. From the best information he had received, he verily believed, that in Ireland the general relaxation of morals, and the mal-administration of the law, arose not from the state of the Catholic question, but chiefly from that animosity which generally existed among the people against each other. The other day, the right hon. gentleman spoke of the manner in which the power had been hitherto exercised. He said now, that the outrages in Louth were not the cause of renewal. He (sir S. R.) had understood they were; therefore, he required farther information. It seemed impossible to divest the question of the consideration of personal confidence. Five or six gentlemen had supported the bill before, on the ground of the conduct of the Irish government; but now this government, it appeared, was to be changed. There was to be a new lord lieutenant and a new secretary, and who they were to be was not yet known. The power was therefore to be intrusted to new, and as yet unknown hands. There could be no reason for this sort of absolute necessity. Was there an English member present who could, with a safe conscience, vote this great power, without some previous information or inquiry? It was a reproach to the House not to have inquired more early into the state of Ireland. No one could see the comparative number of persons committed and convicted in Ireland and this country, without acknowledging that mis-government must exist in the former, that the magistrates did not well execute their duties, and that it was necessary to correct that system of mal-administration by which Ireland was treated as a conquered country, and not as a member of the empire.

Mr. *Peel* said, that the hon. and learned gentleman had argued as if he (Mr. P.) claimed the powers of the insurrection act on the sole ground that those powers, when formerly granted, had not been abused. Now, he had relied on this reasoning. He had merely said, that if the authority conferred on the government of Ireland had been abused, it would have been a strong reason for refusing a continuance of it; but he had never asked the grant of large discretionary powers on the sole ground, that when formerly given they had been exercised with prudence, lenity, and moderation. He particularly disclaimed at the time any such plea, and rested the measure entirely on the necessity of the case. The hon. and learned gentleman was likewise mistaken when he said, that he had referred to the state of the county of Louth alone as the only justification of the measure he recommended. He had not used any such argument, as would be evident when it was recollected that he had mentioned the existence of the insurrection act in two other countries,—Tipperary, and Limerick. He had then said, that if the act were allowed to expire at the end of this session, these two counties would be deprived of the benefit of its protection, as well as the county to which it had lately been extended. He was led to attend to the county of Louth more particularly, and to describe its situation, because the disturbances which called for its exercise there were more recently laid before the House; and the atrocities with which they were accompanied, had made the deepest impression on the country, and were more fresh, in the recollection of gentlemen. His argument was, that though the country was generally tranquil, yet if there was one part of it so disturbed that the laws could not be executed in their usual course, it was necessary to arm the government with this act, to be exercised on its responsibility, when the emergency arose. The motion of the hon. baronet appeared to him to be very extraordinary. He did not oppose the passing of the act, but he proposed that the bill should be suspended till farther inquiry was made, and with this object he would move for a committee. He (Mr. P.) denied that there was any reason for the appointment of such a committee. If there was a measure brought before parliament, on which parliament was competent to decide, without the delay of a committee of inquiry, it was the present. He could conceive cases in which a special inquiry by a committee should take place before parliament proceeded to legislate, such as when evidence was to be examined and facts collected; but here there was no necessity for farther information, if the statements laid before the House were at all to be credited. He had himself produced facts notorious to every Irish member, and known to the whole empire. He had thus laid sufficient grounds for the measure he had introduced. He had no motive for withholding information, and accordingly had given all that he knew. He called for powers which he thought necessary, and he produced evidence of that necessity. Did the hon. baronet doubt the truth of those facts, or was his committee to be appointed to inquire into the authenticity of the documents in which they were contained? There never came before parliament a case in which government had more clearly offered the grounds on which it called for permission to act on its responsibility, and on which the House had received better means of judging whether that permission ought to be granted. The hon. and learned gentleman had claimed the privilege of judging on the question, and he was much obliged to him for the interest he took in the measure; but he was sure that he would allow the honesty of opinions of the members who had better means of judging than himself. He (Mr. P.) could not but refer here to the discussion which took place on a former night, in which many members stated their opinions on this measure, and pleaded, though reluctantly, its justification. A right hon. baronet (sir J. Newport) allowed its necessity, though he recommended previous and more extensive examination. The declarations of other honorable gentlemen were to the same effect, with the same qualification. Against this general concurrence of opinion, there were only three members from Ireland that opposed it—the member for Queen's county (sir H. Parnell), the member for Tipperary (general Mathew), and the member for Colchester (sir W. Burroughs). The two last could not be supposed to be so well acquainted with the country, as, from professional avocations in the case of the hon. and learned baronet, and from other causes of absence in the gallant general, they had not resided in Ireland much of late. The hon. baronet had said, that the insurrection act was an evil, and he (Mr. P.) was disposed to allow it in its fullest extent; but, unhappily, now there was only a choice of evils; and he asked, whether it was better to extend to government the means of preserving tranquillity, even by a severe measure, or to allow the country to be converted into a scene of confusion by withholding the present act? He denied that the measure had been inefficient; and produced facts to substantiate his statement. In one county, in the course of three months, ten innocent persons were devoted to assassination and 13 houses were plundered. In the three months after this act was passed, only one transportation took place, although there were eight convictions. In the county of Westmeath, an atrocious murder was committed on a witness merely for giving evidence. The magistrates applied for the Insurrection act, which was granted in November, 1815, and withdrawn in April, 1816; the county was tranquillized, and only four transportations took place. In the king's county, where the same act was applied for on the same necessity, only one person was transported in the course of four months. In the liberties of Limerick the act was enforced in October 1815, and withdrawn in April, 1816, and only one person was transported. He defended the conduct of the magistrates in applying for it, and contended that the promptitude with which they called for its being withdrawn showed that they were convinced of its necessity.

Sir *W. Burroughs* entered into an elaborate examination of the various clauses of the act; commented in strong terms on its severity; and showed, that while it was inefficient for the purpose for which it was enacted, it produced the greatest inconvenience and oppression wherever it was enforced. He particularly dwelt on the immense disproportion between the numbers apprehended and the numbers convicted in the several counties; and argued, that as it was to be presumed that the petty sessions, so much praised by the right hon. gentleman had done their duty, therefore all those acquitted had been justly acquitted, and had consequently been falsely and wrongfully arrested. In support of this argument he stated, that in Tipperary 178 persons were apprehended, and 132 of these were acquitted: in another county 67 were apprehended and 12 only convicted: in another 11 were apprehended, and 1 only was convicted: in Westmeath, 63 were apprehended, 7 only convicted. In all 328 were apprehended, 68 only convicted, and 268 acquitted; and therefore these 268 were to be presumed innocent persons, who had suffered on account of this act. This oppressive enactment was to be extended all over Ireland, for no other reason than because it had been before so extended. And by whom?—he was sorry to say by those who called the most horrible scourgings and atrocious violence by the name of vigour. If such a system of miscalled vigour was to be continued in Ireland, he should despair of seeing that country ever return to the enjoyment of the blessings of the British constitution. He should, indeed, despair if laws which no one dare propose for the government of England should be passed, and almost as a matter of course, to press down the people of his own unfortunate country. Ireland was in a most deplorable condition, filled as it was on one hand with a depressed and degraded population, and on the other with an oligarchy, who were more ready to demand severe laws against the people than the government itself was to grant them. He should propose that the magistrates should no longer have the power of trying without a jury; and he entreated the House to consider that mere coercion, mere vigour, as it was called, would only add to the dissatisfaction which it professed to remove.

General *Mathew* contended, that, by the present bill, the Irishman would be subjected to greater oppression than the Englishman; for the latter had counsel allotted to him, while the former was liable to be carried off without a moment's warning by a set of fellows well known in Ireland (he meant no disrespect to the right hon. gentleman) by the name of "Peelers," and then to be hurried before a set of intolerant bigotted Orange magistrates; thence to be thrust into prison, where he would be half starved, and would linger till the government should please to transport him to Botany Bay; and all this for no other offence, probably, than for walking a hundred yards from his own House; perhaps in his own garden, and for stopping an hour or two longer than usual to sup with a neighbouring friend. As to some of the counties alleged to be disturbed, he could say of his own knowledge that Tipperary was perfectly quiet, and one of the members for Limerick had told him that the same was the case there, though to be sure no rents were to be got. As to Louth, he believed that three or four of its districts were disturbed: but was that a reason for giving into the hands of government a powerful engine to control and tyrannize over the whole kingdom? He did not know what were the ultimate objects of ministers with respect to Ireland; but this he knew, that starvation, misery, and deep despair were taking fast hold of that wretched people; that all public spirit was lost, that its commerce was destroyed; its fields lay waste and barren; its towns and villages were depopulated and desolate. Did the ministers wish to add still farther to the miseries of this afflicted and degraded country? Was it their object to make it merely an impoverished province of England? What did they mean by their cry of Protestant ascendancy? Was it their intention again to try their strength at the point of the bayonet, and force the people into insurrection for the sake of crushing them? He knew well that the late lord Clare, when speaking of the seizure of lord Edward Fitzgerald, had said, "D—n the fellow, why did he not escape: we have long known what he was about, but we expected that he would get away?" This was one instance of the excellence of that notorious system of informing, then so rife in Ireland, and which seemed to be spreading in this country? Did the House know (he could assure them it was a fact) that Reynolds, one of the most notorious informers in Ireland, was now in England, and had been one of the grand jury which the other day found a bill against the prisoners now on trial? He was now a flourishing man; and equally flourishing, perhaps hereafter might be another informer—he meant that horrible wretch, that infamous villain, Castle! [Cries of Hear! from the opposition, and of Order from the ministerial benches].

Here Mr. Goulburn rose to order, contending that the gallant officer was wandering from the question. The general resumed, and argued forcibly against the bill, which, he contended, was equally unconstitutional and unnecessary.

Mr. *Blake* said, that the question was treated by the hon. general and the hon. baronet who preceded him, as if there was no case in which the government ought to be trusted with extraordinary powers. It was treated as if the re-enactment of the Insurrection act was to be taken as if it were a suspension of the Habeas Corpus act, and therefore a suspension of the constitution in Ireland. The cases were totally different. The Insurrection act is but partial in its immediate operation, while it has the singular advantage of being general in its good effects; it deters the evil-minded, and stimulates the well disposed, even where it is not in force, which effect would be lost if the bill was not continued. It is intended to curb disorders which are partial, and not flowing from any political cause. The Habeas Corpus suspension bill is, on the contrary, to put down designs which are widely extended to subvert the constitution. To re-enact the Insurrection act is, therefore, no infraction of the constitution.

Sir *F. Flood* said, that this measure was not a new creation, but one which had been found beneficial, and which it was therefore prudent to continue. As to the inflammatory speeches, which had been made, they did not tend to tranquillize Ireland, or to promote its prosperity.

Mr. *Knox* defended the measure; for though Ireland was tranquil at present, it was to be apprehended that the disorders which prevailed in England might soon extend to that country.

Sir *J. Newport* lamented that the present measure should be necessary, but considering it so, he should vote for it. He wished, however, that it should not extend beyond six weeks after the next meeting of parliament, as it would then ensure the consideration of the situation of Ireland.

The amendment was negatived; and the House having resolved itself into the committee, sir W. Burroughs proposed to limit the duration of the bill to six weeks after the meeting of the next session of parliament; but this proposition was negatived, and the duration was fixed at one year. The House then resumed.

HOUSE OF LORDS.

Monday, June 16.

PERSONS CONFINED UNDER THE HABEAS CORPUS SUSPENSION ACT.] Earl *Grosvenor* moved for a return of the persons confined under the Habeas Corpus suspension act, their names, numbers, descriptions, and ages. It was material that the ages and descriptions should be given, because he was persuaded, that from these it would appear that the persons in question had not been supported in whatever designs they might have entertained against the constitution of their country, by people of any great consequence or consideration, or such as could afford to furnish them with pecuniary or any other assistance to any great extent. Without giving any opinion whether the prisoners now on trial at Westminster were or were not guilty, he might take upon him to say, having attended during the whole of the trial as far as it had hitherto gone, that the prisoners had no connexions of any consequence.

Lord *Rolle* adverting to the observation of earl Grosvenor, that the disaffected were not supported by persons of any consequence, stated, that he was of a different opinion; for the speeches of certain noble lords in that House gave a spirit and encouragement to their designs. He had supported the ministers in these measures, which, as he contended, were necessary and expedient; and would always support them as long as they continued to promote the best interests of the country. His support was perfectly independent, for he had nothing to ask and nothing to fear. He had the fullest confidence in them, and was willing to trust them with these powers for the advantage of the country.

Earl *Grey* said, that there was one part of the noble lord's speech which he could not suffer to pass without observation. His noble friend had said, that the miserable individuals now standing in court for their deliverance, were not connected with persons of any consequence. He (earl Grey) having also attended during the greater part of the trial, was of the same opinion; and could safely say, that nothing could be more extravagant than the plans of the prisoners, if plans they had; that nothing could be more contemptible or hopeless than their means for carrying the plans into execution; and that the prisoners had not been connected with any persons capable of giving them any serious assistance. But the noble lord who spoke last had said, that the disaffected had been connected with persons of consequence in secret plots and conspiracies: and when the noble lord ought, as he expected he would have done, to have named the persons of consequence engaged with them in these plots and conspiracies, instead of doing that, the noble lord had, in a manner which was disorderly and incompatible with and destructive of the freedom of debate, dared to assert that he (earl Grey) and those in that House who concurred with him, had, by the observations which in the discharge of their duty they thought it proper to make, given countenance to traitorous plots and conspiracies—an accusation which he declared to be utterly unfounded. He stated in the noble lord's face, and to his teeth, that the charge was totally unfounded; and he called upon the noble lord to specify particulars, and to prove his charge; otherwise he trusted the House would think it necessary to call upon the noble lord to retract what he had said, or to make some apology. The noble lord talked of his independence, and of the boldness with which he would oppose his majesty's ministers, if, in his opinion, they happened to be in the wrong. The boldness of the noble lord, however, happened to be of this character—that it had always been exerted in support of the persons in power. During a period of 30 years, with all the multifarious concerns which had constituted the business of parliament in the course of these eventful times, never had the occasion arisen on which the noble lord found himself called upon to exercise this boldness and independence. There he left the noble lord, again asserting, that the charge against himself and his friends, of giving countenance and encouragement to traitorous plots and conspiracies, was disorderly, inconsistent with the freedom of debate, and utterly groundless.

Lord *Rolle* said, that the noble earl had certainly misquoted and misunderstood what he had said. He had not charged the noble earl and his friends with giving countenance to traitorous plots and conspiracies. He had only said that the speeches of certain noble lords in that House had, not intentionally, but in their consequences, given spirit to the disaffected.

Earl *Grey* added, that if the noble lord insinuated that he and those who concurred with him encouraged traitorous plots and conspiracies, he could find no other terms in which to express his answer, than that he held the imputation in utter contempt.

Lord *Sidmouth* having objected, that earl Grosvenor had given no notice of his motion, it was withdrawn for that time.

Habeas Corpus Suspension Bill.] The order of the day being read,

Lord *Sidmouth* observed, that when he presented to their lordships, the other day, the bill for the continuation of the suspension of the Habeas Corpus act, he had stated, that he would not have done so except with the firmest conviction that the adoption of it was necessary. He admitted, however, that their lordships would not and ought not to adopt it without a similar conviction: but the necessity of the measure was apparent from facts and circumstances which were notorious. Many persons, he knew, when the measure was proposed at the beginning of the session, thought that there was no reasonable ground of hope that the necessity for it would cease before the end of the session. Such, however, at that time was not the opinion of his majesty's ministers; for, notwithstanding the painful necessity under which they found themselves, of calling upon parliament to adopt a measure of this nature, they did indulge the hope that they would have the satisfaction of seeing its operation close with the session. In that hope, however, they had unfortunately been disappointed: but instead of following the precedents of former times, and proposing to parliament to continue the suspension without a preliminary inquiry, the ministers of the Crown, considering that this was a period of peace, had thought it proper to recommend a new inquiry by a committee of that House; and to lay before that committee new facts and additional information which had reached government in the interval between that and the former inquiry. They had desired their lordships not to adopt any farther proceeding till their own committee should have made its report, and now that report was before them. The report, after mentioning that the committee had examined the papers, proceeded in the second sentence to state, "that it was their painful duty to report, that these papers afforded but too many proofs of the continued existence of a traitorous conspiracy for the overthrow of our established government and constitution, and for the subversion of the existing order of society." The committee then proceeded to state the several grounds and circumstances on which this painful conviction rested. They stated that the first disturbances, since the period of their former report, took place at Manchester; and then they set forth the designs and purposes of the disaffected, that "in public speeches, the necessity of doing away with, or disposing of the persons most obnoxious to them, had been often openly and unreservedly announced; and that on one occasion it was stated to have been proposed, that Manchester should be made a Moscow, for the purpose of strengthening their cause, by throwing numbers of people out of employment; that a general insurrection was intended to have commenced at Manchester on the night of the 30th of March; that the magistrates were to be seized; the prisoners to be liberated; that the soldiers were either to be surprised in their barracks or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of the barracks, of which the object was to take possession, with the view of seizing the magazine." The most sanguinary and barbarous outrages appeared to have been intended, but this design was defeated by the vigilance of the magistrates. The leaders being seized, they thought themselves justified in issuing proclamations, which proved that the objects of the conspirators were known to them, and this desperate and atrocious attempt was thus prevented. But even on that day movements actually took place, notwithstanding the disclosure of their designs, which afforded a decisive indication that desperate purposes had been harboured. Since the committee had made this report, farther information had reached government of an attempt of a more formidable and comprehensive nature in the northern and midland manufacturing districts. The Monday after an expected motion for a reform in parliament was to have been made, and which, it was anticipated, would be rejected, was fixed upon for a simultaneous and general rising in these districts. Of this, government had proof from various quarters, and from the confession of some of the parties concerned. This was to have taken place on the Monday subsequent to the motion for parliamentary reform. The execution of that plan was, for reasons not necessary to be detailed, postponed till the 9th of this month. The plan was so arranged that the different districts should have early information of what was passing in each of them, and what did take place on the 9th of this month left no doubt as to the atrocious purposes of the conspirators. That scheme, however, was also frustrated by the vigilance of the magistrates.

But besides these overt acts of outrage, the secret meetings of the delegates of the disaffected showed the atrocity and extent of their designs. Combining these open acts of violence and outrage with the secret meetings, the designs of the conspirators must appear evident to all those who were not determined to shut their eyes, ears, and understandings. The committee stated, that "although in many of the districts particular causes of distress had, no doubt, operated to expose the minds of the community to irritation and perversion, yet they were persuaded that this distress must for the most part be considered rather as the instrument than as the cause of disaffection." And then the committee stated, that "they could not refrain from expressing their opinion, that it was chiefly by the means pointed out in the report of the former committee, by the widely extended circulation of blasphemous and seditious publications, and by the effect of inflammatory discourses, continually renewed, that this spirit had been principally exerted and diffused; that by these the attachment to our established government and constitution, and respect for law, morality, and religion had been gradually weakened among those whose situations most exposed them to this destructive influence; and that it was thus that their minds had been prepared for the adoption of designs and measures no less injurious to their own interests and happiness than to those of every other class of his majesty's subjects." It was incontestibly true, that these causes led to the most dangerous consequences, and that certain persons made use of the distresses to which the labouring classes were exposed, as an instrument to carry into execution their own nefarious purposes. Those who had been thus seduced and rendered the instruments of the machinations of others, ought no doubt to meet with comparative indulgence not because they were excusable for suffering themselves to be involved in these practices, but because allowance ought to be made for the frailty of humanity. But what was to be said of those who thus made use of the distress of the labouring class, as an instrument to carry into effect their own atrocious purposes? When one reflected not only on the incalculable mischief which their schemes had a tendency to produce in other respects, but also on the discredit and dishonour which they had brought on the British name, at a time when that name stood higher than it perhaps ever did on any former occasion, it was impossible to think of their proceedings without the deepest feelings of grief and shame. And what was the time chosen by them for the execution of these atrocious purposes?—the time when they were petitioning the Prince Regent to reduce the military establishment, to retrench the expenses of the state, and to adopt the most extensive and rigid economy. He would not willingly go back to the dreadful circumstance that, on the first day of the meeting of parliament, the sacred life of the royal person who administered the government in the name and on the behalf of his majesty had been endangered. They petitioned for the meeting of parliament, and this circumstance occurred on the first day of its assembling! What had been the conduct of parliament since that period? They had petitioned for economy, and economy had been carried to the very utmost extent to which it could be carried consistently with the safety of the state. They had complained of sinecures, whether right or wrong, and an arrangement was in progress respecting sinecures. He did not mean to say that these measures were adopted with any view to please them: but they were the objects of their petitions. But at the very moment when they came with those hypocritical complaints and petitions, they were planning schemes to produce revolution, misery, and horrors in the country, such as it had hardly ever before experienced. Was that, then, a moment to abridge the powers given to the executive government by parliament, for the purpose of preventing the effects of these mischievous machinations? It was for those who held the opinion that these powers ought to be abridged to show what other efficient measures they would substitute for those which government proposed; for the danger, and the occasion for some extraordinary powers, were unquestionable. The committee stated, "as the result of all the information which they had received, that the time was not yet arrived when the maintenance of the public tranquillity and the protection of the lives and properties of his majesty's subjects could be allowed to rest on the ordinary powers of the law." And it must be presumed that their meaning was, that there was a necessity for the continuation of those extraordinary powers given by the act which passed at the beginning of the present session. Without making any ostentatious professions of his attachment to the liberties of his country, he must say, in the face of the noble lords opposite, that he yielded to none of them in attachment to the freedom of the people and veneration for the constitution. All he asked was, the adoption of the measure now proposed, if their lordships agreed with him in thinking it essential for the preservation of the constitution. With respect to those parts of the country to which the attention of the executive government had been directed with the most particular anxiety, as well as with respect to other parts of the country, government had received information from various sources, of secret meetings and other practices, which left no possibility of doubt as to the atrocious nature of the designs of the disaffected. Many other circumstances, besides those mentioned in the report, had come to the knowledge of the executive government; and they knew of many individuals who were engaged in the work of promoting these atrocious designs, although the proof was not sufficient, according to the policy of the law, to convict them. What was to be done with respect to these persons? Were they to be permitted to go on from day to day, and from place to place, perverting and poisoning the minds of the people, and leading them from disaffection to sedition, and from sedition to treason, without any power in the government, for their own sake as well as that of others, to remove them from that society which they made it their business to taint and corrupt? In those places where the schemes of the conspirators had been most advanced, the act had been put in execution; the leaders were in custody, and the consequence was, that in those places the atrocious designs of the conspirators were frustrated and defeated. Such had been the effect of the execution of the act: but it was not in this way only that the act had been useful: the committee stated, "that the reports received from many of the most active magistrates and from persons whose stations, both civil and military, had enabled them to collect the most extensive information, and to form the most accurate judgment as to the state of the country, concurred in attributing, in a very considerable degree, the disappointment of the attempts already made, and the hopes of continued tranquillity, to the actual exercise of the powers which parliament had intrusted to the executive government, and to the effect of the known existence of such powers, ready to be called into action when necessity required it; and in representing the danger which would threaten the country if those powers were to be withdrawn at the present moment." Similar information had reached government from a variety of quarters since the present inquiry had commenced, that the known existence of the power even where not called into action, had contributed to the preservation of the public tranquillity. Information of this kind had come from Manchester and several other places; and those who sent it, and were best enabled to judge of the state of the country, concurred in stating, that they would greatly deplore the withdrawing of these powers at this moment—that they had no personal interest in the continuation of these powers—and that the existence of the powers was the cause which prevented the necessity of putting them in force.—He admitted, that this measure could only be justified by necessity; but the necessity existed, and the effect of the measure proved that it was one which was well adapted to the circumstances of the country. It was with this impression that he proposed the continuance of the suspension of the Habeas Corpus act; and he called upon those who objected to it to say that there existed no danger, or to state what measures they would provide to meet the danger, if they admitted its existence. But it would be proper for their lordships to look back, and take the benefit of experience. Some of them recollected, and had a share in the measures that were adopted in 1794, 1795, and 1796. At that time the same course was pursued, and in the same manner it was opposed. Efforts were then made to invalidate the reports of the committees of both Houses of parliament, and it was then, too, asserted, that they were founded on deception and mere absolute fictions or gross exaggerations. The same attempts were then made to cast a slur upon the proceedings of parliament: but it was for their lordships to take a lesson from the course which parliament then adopted; a course which was supported by the same description of persons as those which supported this measure, and was opposed by the same description of persons who now opposed this measure. The two Houses of parliament had, however, persevered in that course, and, supported by the magistrates and the great mass of the community, they had preserved the monarchy, the constitution, and the country. It was for their lordships now in the same manner to do their duty. The executive government was then also falsely and slanderously charged with a desire to subvert the constitution and liberties of the country; but their lordships would do their duty now as they had done it before, and by the co-operation of the magistrates, and the great mass of the people, the same happy consequences would follow. His lordship concluded by moving, that the bill, for continuing the suspension of the Habeas Corpus act, be now read a second time.

Lord *Erskine* said, that with every wish to support the just authority of government, he felt it quite impossible to consent to any farther suspension of the Habeas Corpus, and thus to invest the ministers of the Crown with an absolute dominion.—To justify this second demand of so extraordinary and unnecessary a trust, his noble friend had appealed, and he had, no doubt, with a clear conscience to the purity of his motives; and (he lord E.) in his turn could appeal to God himself for the purity of his own. He could not, it was true, but have a strong predilection for the opinions he had always entertained, for the principles he had always adopted, and the friends with whom he had acted; but with that bias only excepted, which applied alike to every body, no man could be more disinterested or independent, since under no possible changes would he be a candidate for any office or employment whatsoever.—He looked only to the support of the constitution, and to the prosperity of the country, which for ages had flourished by its preservation. There was, in his opinion, a strong analogy between diseases of the natural body and disorders of the state, when the proper remedies for either came to be considered. It was the very characteristic of a wise and skilful physician, well to ascertain the causes of any morbid symptoms, before he attempted to remove them, because the least mistake in that respect was sure to aggravate and confirm them. What then were the causes of that disturbed state of the country, which was the subject of the first report, and of the renewed one now before them. The causes were manifest in the universal and unexampled distresses of all classes of the people, suddenly arising from a ruinous check to the long overstrained, unnatural demands of government, inseparable from a state of war—from the consequent stagnation of trade and manufactures, depriving millions of employment indispensable for their support—evils which could not but extend their ruinous effects to agriculture as the very support of the poor alone, rendered the possession of the soil rather a burthen than a support. All these evils, sufficient in themselves to produce irritation and discontent, were increased and embittered by a devouring revenue, destroying all the sources of renovation. The next point to be considered was, the direction of the public mind under the pressure of such calamities, because the people in their turns, when they looked to their removal, examined the cause of them also, and they attributed them to their not having that practical share in the public councils, which they were entitled to in the theory of the constitution. They might be mistaken in this reasoning, but it was unjust to brand it as hostile to the government, and pointing to its overthrow, when it had over and over again been maintained in parliament by the most illustrious statesmen, that a reform in the representation was the only possible security for our invaluable constitution. This alone had been the object of every one of the numerous meetings which had so much alarmed his majesty's ministers, and which they had taken such violent and dangerous measures to suppress. Their object had *notoriously* been neither more nor less, than that very reform of parliament, which had raised others to the highest offices in the state.

Now what was the remedy for a discontent of this description. The remedy was most obvious, and pointed to the very nature and character of man. The well disposed, however mistaken and irregular, ought to have been soothed and convinced of their errors, by the liberal and indulgent attention of parliament to their complaints, and the evil disposed should have been corrected by the ordinary course of law;—but instead of this, the very consideration of their petitions, though supported by the most numerous and respectable bodies of the people ever before assembled for the purpose, had been repeatedly thrust aside by increasing and almost insulting majorities, whilst every departure from the most submissive obedience, though occasioned by such palpable misgovernment, had been opposed and punished, not by process against offending individuals, but against the whole nation admitted to be dutiful, and even boasted of for its loyalty and affection. Could any system be more absurd or unreasonable than this, or any expectation of a remedy for such evils more preposterous. This truth had been fully exemplified.—The turbulence of the various meetings entirely arose from the means taken to discourage them; the seditious whom you sought to put down, stood as it were upon pedestals erected for them by yourselves;—you yourselves gave them the whole matter for their harangues, and all their popularity with their hearers; but if you had indulgently listened to the well intentioned, though you might not have yielded to their wishes, the turbulent would have been disgraced and silenced. You would then have given the real friends of the constitution a complete answer to all the invectives against it, by an appeal to the blessings enjoyed under it; but when you yourselves had suspended and destroyed those blessings, that only argument became lost to your friends, and the sedition of your enemies triumphed;—whilst all the advantages of the constitution were felt, it was harmless and odious; but under your own auspices it became popular and alarming. How, then, could it be reasonably supposed that such evils would cease, by persisting in the very course which had given them birth, and to which they owed their continuance and aggravation? So far from bringing back the disaffected to their duty, they were (to use the expression of a farmer) "sowing the seeds of revolution broad cast." The irritation which prevailed throughout the country demanded the vigilance of government, but it might be efficaciously exerted, by means that were consistent with the preservation of public freedom, and by the ordinary execution of the laws. The salutary provisions of the act of Habeas Corpus, seemed to have been forgotten by ministers, or wilfully put aside. The statute was not a rash indulgence to crime, and an embarrasment to a justly jealous government when a disposition to disorder existed, but on the contrary was penned with the utmost caution to protect the authority of the state, whilst it secured the liberty of the subject. If the Crown was not prepared for trial from the absence of witnesses, prisoners were not bailable under it, and the ordinary forms of law remained in full force, whilst that impediment to trial continued. This, in almost all cases was amply sufficient; but it appeared to him to have been a notion lately entertained that persons might justly be arrested when the statute was suspended; when there was no positive testimony of offence, but only vague suspicion of disaffection, and when there was no expectation, nor any intention of trial,—the justice of this course of proceeding he utterly denied,—it was a wanton violation of public liberty, to which no subsequent indemnity ought to be extended.—The use which ought to be made of a suspension, was not when witnesses were absent, which the ordinary laws provided for, but where a premature trial, though witnesses might be ready in a particular case, might be generally dangerous; but these were instances that could rarely occur, except when there was a widely extended conspiracy or open rebellion, which alone therefore could justify a measure of this description, when it was sure to receive the support of all honest and reasonable men. Every departure from this just and prudent reserve in the abridgment of popular privileges, was sure to defeat the purpose proposed. The House might depend upon it, and he spoke from an experience which scarcely ever belonged to any other man, that the administration of justice, instead of being strengthened by it, was sure to suffer in the extreme from the odium attaching even upon just prosecutions; and government might lay its account with being completely foiled in every attempt to produce order and obedience by judicial trials, as long as the Habeas Corpus act continued suspended, and other measures of distrust and coercion, were in force against the whole mass of the people.

In the year 1794 he had felt the benefit of this state of things, as counsel for the accused of that period, from the popularity it gave to their defence,—he did not mean by saying so that their case required it. The acquittals on the contrary, had saved the liberties of England, and he thanked God for it. They kept sacred the order of crimes, and inspired the multitude with reverence for the laws. To give a decided character to the disturbances which had prevailed in London, his noble friend had alluded to the disgraceful occurrence on the first day of the session. None of their lordships stood in a closer relation to that illustrious person than himself, after having been so much and so long distinguished by him; no man could more deprecate the insecurity of his person, nor any indignity indeed to the first magistrate of any free state. Some solitary miscreant might have intended violence, but what could that have to do with any general spirit of discontent, since none of its causes, which were of long standing, could be connected with his Royal Highness, who had uniformly opposed them, and whose unpopularity therefore if he were at all unpopular, could only be from the acts of his ministers now under discussion, none of whose persons however had been attacked, nor any insult offered to them in their passage to parliament, irregularities which had often disfigured the most peaceable times, when the measures of government had, whether right or wrong created general discontent. Now, if all these reasons opposed the first suspension in the beginning of the session, how much more strongly must they apply to the proposed renewal. The evils, according to the report continued, and he could not therefore help recurring to the analogy with which he had set out, between disorders of nature and of the state. He found it difficult at the same time to resort to such a comparison as no physician that would be suffered to come within a mile of the college could furnish a parallel; yet he had a right to suppose one, the better to expose the absurdity of this proceeding, and he would therefore assume that a physician had said to his patient, after four or five months attendance, Sir, you are not at all better—have you taken my medicines? Oh, yes, I have taken them regularly, but find myself infinitely worse;—if that be the case, said the physician, by all means go on with them without intermission. Now what would any patient say to this, or what would any of your lordships say to it?—why, you would one and all of you say, No, no, my good Sir, I must either change my medicine or my physician. But did any physician, my lords ever extort such an answer from suffering nature? certainly not, nor would a judicious statesman, in the instance before them. On the contrary, he would reduce to a new and untried remedy of the most obvious character, because directly suited to the complaint; and although he might not, and he admitted ought not, to be prepared to yield to the reforms expected, he would instantly confound the disaffected, and attack the great and sound body of the people, not by a dangerous change, but by salutary restoration—giving back what had been formerly enjoyed in triennial parliaments, and by lessening the expenses and corruptions of elections, which would open a safe door to gradual improvements, if they were still wanting to preserve our ancient constitution. But to this it might be answered, perhaps, "What was to be done in the mean time with the existing disturbances?" To which he would only reply by referring to the report itself now before them, which admitted, in distinct terms, that the designs of the disaffected, "had been hitherto frustrated by the vigilance of government.—The great activity and intelligence of the magistrates; the ready assistance afforded under their orders, by the regular troops and yeomanry; and the prompt, efficient arrangements of the officers intrusted with that service." Were not all these means, still completely in their power, sufficient to avert the dangers described in it? Not dangers from armed rebellions, but disorders which might follow from a journey to London of vast multitudes of half-starved, wretched, unarmed people, with petitions to parliament in their hands, instead of banners displayed against it, seeking only to affect its compassion by looking at their real condition and hearing their sufferings from themselves.—It was undoubtedly not only right, but absolutely necessary, to put a stop to this insane proceeding, but the true way to hear no more of it, except in remote and seemingly fabulous history was, to maintain the constitution inviolate, and to execute the laws with vigour, but with prudence, moderation, and justice.

The Duke of *Montrose* said, that he entirely concurred in many of the sentiments expressed by the noble and learned lord who had just sat down, though he could not agree in the practical conclusions he had drawn from them. He approved of the proposed measure as one which the exigency of the times required. He was old enough to remember the dreadful proceedings in the year 1780. He recollected then to have seen this metropolis on fire in two or three places at once: he saw the mob, and witnessed their devastations. What was the result? Government was at last compelled to put the rioters down; but that which might have been done with comparative ease at first, could not afterwards be accomplished without great loss of blood. Warned by that example, he therefore thought they should not allow the present combinations and disaffection, to come to a head. Who would venture to affirm, that if they were able to prevent it, they were not bound to prevent it? The proceedings of the 2nd of December might have been effectually avoided, if ministers had then possessed such powers as were now asked. He confessed he considered the suspension of the Habeas Corpus act, as a measure of humane policy towards the people. It was calculated to save not merely the throne, the parliament, or the constitution from subversion, but the people themselves from destruction, the misguided, the deluded people, who had been irritated to madness by wicked designing and enthusiastic persons [Hear, hear!]. He asked whether it would be a wiser course to take up, at once, those demagogues who harangued the mob, and inflamed their passions by seditious speeches, or wait till acts of outrage and violence would justify the application of the laws as they now existed? He had no hesitation in preferring the former course.

Earl *Grosvenor* began by observing, that he was not more disposed to countenance atrocities, than the last noble speaker, but weak and miserable must be the execution of the existing laws, if those statutes which had been lately passed by parliament were not sufficient for the repression of any civil disorders that were likely to happen. The noble viscount who commenced the debate, had brought forward the business with great solemnity, and no doubt he was deeply impressed with the importance and necessity of the measure. He (lord Grosvenor) was also deeply impressed with its importance, because he thought it precisely that sort of proceeding which was calculated to increase disaffection, and create resentments throughout the country. The necessity of it he utterly denied. Could it be believed, that a government possesisng such a military force as was now maintained, commanding also such large majorities in both Houses, was reduced to the necessity of having recourse to this measure, in order to preserve the public peace and tranquillity? But admitting they were compelled to employ such a power, could it be imagined that the exercise of the power would accomplish the desired object? He would observe also, that if they allowed the validity of the arguments they had that night heard in support of the suspension, it would be difficult, nay impossible ever on any future occasion to resist its repetition. With regard to the report of the committee, he must say it was a much more candid one than the last. But they had a right to expect something more, before they consented to pass this bill. Why, he would ask, had they not the same description of evidence laid before them now, as on the former occasion? There was one part of the report, to which he particularly wished to call their lordships attention. It appeared, that the opinions expressed by the committee were founded, partly, upon evidence of a most dangerous description. They had heard too much of spies and informers to render it necessary for him to trouble their lordships with any observations respecting them. They knew that there was no class of persons so degraded and so despicable. They did not require to be told the miseries which wretches of that description inflicted. Certainly, if any kind of men could be said to resemble Satan himself, it was they, who deliberately seduced others into crime for the malignant purpose of afterwards betraying them to punishment. Yet they were told that government could not defeat the machinations of the conspirators without referring to such persons. He would not dispute the point that occasions might arise when their employment would be necessary, but this he would say, in all times past, in the history of all tyrannies, in all despotic governments, it would be found that spies and informers of that description abounded [Hear!]. They abounded, because such governments could not bear inspection; and to support miserable governments of that kind, such miserable means were employed. But he would hope they were not yet necessary in this country. In the next place, some stress was laid upon the circumstance, that considerable disturbances had taken place since the last report. It was evident however, that whatever might be the nature or extent of those disturbances, they had been entirely put down. Another great discovery was, that the disaffected no longer talked of a reform of parliament as the remedy for their grievances, but openly declared that nothing short of a revolution would be sufficient. An individual also had said, that it would be extremely desirable, to convert Manchester into a second Moscow. These, to be sure, were very dreadful things; but he would beg their lordships to consider whether it was not possible that all the expressions attributed to disaffected persons, might not have been uttered by the spies and informers of government, in furtherance of their own views? [Hear, hear!] Might they not all have come from the allies of government? No doubt a great deal of terror was felt by the peaceable inhabitants in the counties of Nottinghamshire, Leicestershire, Lancashire, Derbyshire, and Yorkshire, from the reports that had been spread. But to what did the actual danger amount? A few starving manufacturers assembled together; and whatever desperate enterprise they might meditate, it appeared they dispersed of themselves the moment the military approached; and he believed they never amounted to more than 200. One of the arguments adduced was, that the renewal of the suspension was strongly recommended by certain magistrates, and a letter had been read from one of them, stating that great good had already resulted from the measure. He did not think, however, that parliament would be justified in acceding to the proposition of ministers, upon such a recommendation. The magistrates, in the disturbed districts, were probably much alarmed, and he could understand how the apprehension of danger would lead them to consider the suspension of the Habeas Corpus act as the best security from it; therefore they recommended it. But that was surely a very partial view of the subject; and it would be absurd, upon such grounds, to pass a law so destructive of the liberties of the country, and so dangerous, because calculated to increase the disaffection that already existed. The real remedy, ministers either did not understand, or would not adopt. The noble viscount said it was impossible to reduce our military establishments beyond their present amount, and therefore that could not be done, which he however contended might be done, namely, to reduce the expenditure of the country, and thus diminish the pressure of taxation upon its distresses. If ministers would avow that our large standing army was kept up for mere purposes of parade, he should understand them; but it was impossible to maintain, that so many soldiers were necessary to keep down the disaffected in any particular district. He appealed to the common sense of their lordships whether a much smaller force would not be sufficient, knowing how easily they had already been dispersed. Besides there were 18,000 of the yeomanry cavalry alone which he might justly call that "cheap defence of nations," and it would be very easy to increase that valuable force, if it were thought necessary. In addition to those, there were the guards and lancers, constituting altogether, a force abundantly adequate for the preservation of internal tranquillity. A reduction therefore might safely take place in the army, as well as in the garrisons. He was quite confident there was no occasion whatever for incurring such a large military expenditure. The noble viscount, in his speech, dwelt upon the abolition of sinecure places as a proof of the anxiety of government to meet the wishes of the country. He should be disposed to allow ministers some credit upon that head, if he could forget how he himself, for the last eight or ten years (a period as long as the siege of Troy) had vainly urged them to the adoption of that very course. But now they came forward and said, "Oh, only see how extremely anxious we are to oblige the country."—The measure, however, was not yet accomplished; and recollecting as he did what strenuous and repeated opposition he always met with, he owned he was not extremely sanguine upon the subject. He, however, would propose to meet the wishes of the people in a different way. He would meet them by withdrawing the present bill altogether, and by suffering the other acts which had been passed this session to expire, or repeal them at once. He would not diminish the pleasure that was felt at the abolition of sinecure and useless offices, by substituting a compensation bill in lieu of them. At the same time, he certainly thought the system of compensation better than the other, because, in the majority of cases, the sinecures had not been bestowed upon persons who had merited well of their country, but because they had court favour, or ministerial influence to plead. But to talk of any serious saving from the measure was absurd, for the whole amount of saving that would arise from that scheme of economy, did not exceed 20,000*l.* a year. There were other measures of conciliation too, which a wise and prudent administration would try at a crisis like the present. Among them was a reform in parliament, and he had no hesitation in saying, that should a bill for reforming the other House, and especially for shortening the duration of parliaments, come before their lordships, it would have his support. He was perfectly satisfied from the preface to the septennial act, it was never intended, by those who framed it, that it should remain in force after certain dangers were passed which it was calculated to counteract. And why were not all those things done? He was sure if ministers were to act according to the wishes of their royal master, every thing would be done which the country required. But on the contrary, the country was now persuaded, from the whole course of their proceedings, that their object was neither more nor less than to establish a despotism. Were not the existing laws strong enough for every constitutional purpose? The sedition act was a strong law; the military seduction act was a strong law; the power of the magistrates under the seditious meetings bill, was great; yet all these were held to be insufficient, because ministers wished to have the absolute disposal of every man's liberty by the suspension of the Habeas Corpus act. In the most difficult times of our history, laws less vigorous had been found adequate to the protection of the country. If the bill was persevered in, he should at least feel it his duty in the committee to move as an amendment, that its operation should not extend beyond the duration of the present parliament. It was his opinion, that government wished to avail itself of the suspension of the Habeas Corpus, as an opportunity for dissolving the parliament, when they might terrify and dragoon the people into whatever acquiescence was wanted. Such was his opinion, and whether right or wrong, he would put it to the test by moving the amendment he had mentioned. The noble earl concluded by observing, that he felt it his sacred duty, to vote against the measure, conceiving it to be big with the fate of England, conceiving that it must end in a re-action of the most portentous character, and wishing to save their lordships and the country from such horrors as seemed to await them.

Lord *Redesdale* spoke in favour of the bill, which he firmly believed would excite great general confidence, and not great general discontent. He supported it, not only because he thought it necessary, but because he was as thoroughly persuaded of its necessity as he was of any one power with which the executive government was entrusted. He agreed with what had fallen from some noble lords, that there was nothing in the report which proved the disaffection to be general. There was nothing that attributed any disloyalty to the agricultural population; nay, there were many large districts which were not agricultural, where the people were peaceable and well-affected. He thanked God that such was the case. But did it therefore follow that the real danger to the country was less, or that the expediency of the present measure was diminished? Just the reverse; for the report went on to state, that in many populous and expensive districts, a spirit of disaffection was excited by those who avowedly aimed at the total subversion of the government. Was it desirable to allow such persons an unrestricted, an unwatched, and an unfettered power, to continue their machinations, till the poison diffused itself, and till the ramifications of the conspiracy embraced a larger portion of the kingdom? [Hear, hear!] Where would be the policy, where would be the wisdom of such criminal supineness on the part of ministers? A great deal had been said about spies and informers, and the infamy of employing such characters. He would ask those noble lords, who were so indignant upon this subject, whether, in the history of the whole world an instance could be found of the detection of a conspiracy of this kind but by such means? [Hear, hear!] It was really ridiculous to decry the employment of such instruments under such circumstances. If the general of an army were to dispense with scouts and spies who might give him information of the enemy's movements, and if the advanced party were more alert, while he stood upon his honour in that manner, what would become of the army of such a conscientious general? It was an insult to common sense to talk in the way which some had talked, upon the practice of deriving information of a conspiracy from spies and informers. That practice was even more necessary now than on any former occasion, especially in 1793, for the secrecy and caution of the conspirators were so much greater. And he should like to know why that secrecy and that caution were employed, if the parties were so innocent as it was affected to consider them? [Hear, hear!] To him, that fact alone was a demonstration of their guilt. But it was contended no alarm ought to be felt, because there were no persons of property connected with them. No; it was the object of the conspirators to take property from those who had it, and give it to those who had none. It was perfectly intelligible, therefore, why no opulent individuals were found among them. Unless they were determined to shut their eyes against the truth, he did not see how they could refuse their assent to a farther suspension of the Habeas Corpus act. It was indubitable, from the report of the committee, that there existed in the country a number of persons who had formed the deliberate design of driving the lower classes into a state of insurrection: a state, subversive of the government, subversive of property, subversive of every thing which constituted the great bonds that held society together. The proposed measure, therefore, would operate as one of prevention, and he confessed he could not imagine any one better calculated for that end. What was it, the disaffected required? Something which they called liberty, in other words the power to do as they liked, and to prevent every other person from doing what they did not approve of. That was the sort of freedom coveted by persons of that description. It reminded him of a story told of an old gentleman who happened to come from the country, at the time when the Wilkes and Liberty boys were very popular. Walking along the Strand he happened to meet some of Wilkes' mob, who immediately ordered him to cry "Wilkes and Liberty for ever." The old gentleman said he loved liberty as much as they did, but he did not like Wilkes, and therefore he should exercise his liberty in not crying as they wished. They forthwith knocked him down, and thus illustrated the kind of freedom which is always understood by a mob when they clamor for liberty. He could not agree in the remedies which were suggested by two noble lords who had spoken that night. They were for treating the discontented and disaffected kindly and tenderly; somewhat in the manner he presumed that was inculcated in the following lines, which were quoted on a former and rather different ocasion:

"Be to their faults a little blind,
Be to their virtues very kind;
Let all their ways be unconfin'd,
And clap the padlock on their mind."

In his opinion, if "all the ways" of the persons in question were left "unconfined," nothing short of utter ruin and confusion could ensue. Two of the remedies were universal suffrage and triennial parliaments: grant them, and the constitution is destroyed [Hear, hear!]. He remembered being told, about the year 1793, or 1794, of a meeting that was held to consider the best means of establishing a republic in this country. A great deal was said by different persons about the king and the aristocracy. One of them, more shrewd than the rest, quietly observed "only let us get universal suffrage, and all the rest will certainly follow." Then as to the abolition of sinecures, upon which so much stress was laid by a noble earl (Grosvenor), he could not view it in the light in which that noble earl did. It appeared to him, more of an aristocratical than a democratical measure, because it took the power which was before vested in the Crown, and placed it in a few hands only.—The noble lord concluded, by saying, that in conscientiously giving his vote in favour of the motion, he felt that he was supporting the best interests of the Crown, the parliament, and the country.

Lord *King* said, that the evils of the year 1780 were owing to want of vigilance, and the security against their recurrence was vigilance, and not the suspension of our laws and liberties. If tenfold the danger existed, there would be neither necessity nor reason for suspending the great safeguard of the constitution. The report stated, that the magistrates had displayed great intelligence and activity; that the yeomanry had been called out, and exhibited great energy and intrepidity: that on the part of the former, there was the greatest vigilance, and on that of the latter the most prompt obedience and that by their united efforts they had overcome any resistance that had been offered. Why, then, should farther powers be granted, when the ordinary administration of the laws by the existing authorities had been so effective? The report farther stated in very vague terms, that arms had been prepared; but it did not authorize a belief that these preparations were to any considerable extent. One part of this report was more vague and indefinite than the rest: it spoke of the existence of traces of an intention to issue proclamations to free the subjects of the kingdom from their allegiance; but it added, that no preparations were made for the purpose, and that no draught of such documents was found. Thus, proclamations which were not drawn up, but existed in conjecture, were made a characteristic prelude to a plot that was never formed! By examining the report and looking at the state of the country, it would be found, that the disturbances which were magnified into systematic rebellion, were confined to those manufacturing districts where the want of employment, and the consequent pressure of distress, had produced the greatest degree of irritation, and exposed the minds of the ignorant to machinations of the designing. But who were these wicked and designing persons who took advantage of the public calamities to graft upon them disaffection? The report itself answered this question. It allowed that spies and informers increased the irritation, and encouraged the desperate projects which they were employed to detect and to counteract. Let it be considered, however, to what conclusion this would lead, if distress that was liable to be excited to disaffection were always to be an excuse or a reason for suspending our liberties. On this principle the suspending of the constitution might be indefinite. On former occasions this great bulwark of our freedom was not suspended except in cases of threatened invasion, or existing internal dissention, where men of rank and power were arrayed against the government. Now, however, there was no disputed succession, no threatened rebellion; and the greatest evil to be dreaded was, that violence on the part of the government might lead to disaffection among the people, and that disaffection produced by tyrannical measures might create that state of things which they were intended to repress. It was foolish to say that such a measure as that before the House was rendered necessary by the existence of plots to overthrow the state. There was no systematic conspiracy or plot; there were no leaders, no means, no arrangements. The plot, if it existed, comprehended all the distressed, all the destitute, all without employment or the means of subsistence; and for the discontents of such persons a suspension of the Habeas Corpus was not a proper remedy. If people of great rank, wealth, or consequence, were employed in directing to the overthrow of the government the irritation arising from distress, he would not say but that measure like the present might be necessary: but this plot, as it was called, was a plot of people without property, against those who had property; and to plots of this nature relief and kind treatment was the most efficacious remedy. To create alarms on purpose to ground on them an abridgment of the people's rights was always the resource of a weak and unsteady government. This experiment, on the present occasion, he feared, had been but too successful.

Earl *Grey* said, that so portentous was this night's discussion to the liberties of the country, that under every disadvantage under which he laboured, and with whatever degree of suffering the delivery of his opinions might be attended, he would raise his voice against the invasion intended to be made on the constitution. On this occasion, as well as when the subject was last before the House, he had to state, that he was as ready as any man to condemn the attempts and the designs of those who took advantage of the existing distress to irritate the minds of the sufferers, and to lead them to acts of violence; a distress, however, borne in general with a degree of patience and tranquillity which nothing but a free constitution could inspire, and which the people of this country could exhibit only while they were allowed to retain it unimpaired, and to enjoy its benefits without encroachment. The great question to be now decided was, whether the persons who were intended to be affected by this bill were capable of producing mischief to the constitution if it did not pass?—Whether they had the means of being dangerous under a due administration of the laws; whether, in order to control their designs, it was proper to resort to a measure never formerly adopted, except in cases of paramount necessity?—and whether it was requisite, in fine, to surrender the liberties of the people to the servants of the Crown on such a report as had now been laid before the House? Believing that the suspension of the Habeas Corpus was not now the proper remedy for the discontents that prevailed, he would call upon their lordships not to entertain such a measure, for which no sufficient grounds were laid when it formerly passed, and the justification of which been lessened by every thing which he had since heard. What was the danger which it was intended to obviate? It was a danger arising from severe and intolerable distress, which had been excited to irritation, and led on to disturb the tranquillity of the country by wicked and designing men. Was this a species of danger similar to that which existed on former occasions, when the Habeas Corpus act was suspended?

A noble and learned lord on the cross bench (lord Redesdale) had argued that the danger existing now was similar to that which existed in 1794. He had on a former occasion contended, that it was different, and he thought so still, though he did not believe that even at that period the present measure was necessary. The noble and learned lord had referred to more early periods, namely, the years, 1715 and 1745; yet how dissimilar were the circumstances of those periods. The epoch of 1715 was a period of great danger to the constitution and to the reigning family. There was then a pretender to the Crown, supported by the power of France, countenanced and aided by a powerful faction within the kingdom. This pretender landed in Scotland, headed a formidable rebellion against the government, drew numerous partisans to support his pretensions, and collected under his banners persons of high rank, extensive influence, and powerful connexions. Even in the two Houses of parliament he had his friends; and the spirit of disaffection was widely spread among all ranks of the community. Yet, even at that period, when a dangerous conspiracy, favoured and supported by foreign influence and foreign forces prevailed; when a family recently seated on the throne found their pretensions disputed by a rival, the suspension of the Habeas Corpus was opposed, and the act was only passed for six months. In 1745, a dangerous rebellion again raged—not headed by men without means, without influence, without money, without resources, without plan or force, like those who have lately disturbed the public tranquillity, but assisted by an expedition prepared in France under count Saxe, encouraged by increasing numbers, flushed with partial success, and particularly by the victory of Preston-pans, and favoured and joined not only by noble families and distinguished individuals, but countenanced by those great and learned corporations, the universities, to such a degree that the streets of Oxford had been said to be paved with Jacobinism: but even then this act was passed with reluctance. He allowed that he could easily conceive a case of danger so great as to justify this measure, and that was when a foreign enemy conpsired with domestic treason to overthrow the government. He should then submit to a temporary suspension of the constitution, to effect its final preservation. Yet even on such occasions, so dear was the act, and so necessary as a safeguard to every valuable right, that the suspension of it was opposed by many members of both Houses, and among the rest by a man, Mr. George Grenville, for whose character most of the noble lords who heard him must entertain the highest respect.

The noble secretary who introduced this measure had said, that he (lord Grey) had, on a former occasion, acknowledged the existence of the dangers that threatened the country. He had indeed acknowledged that dangers existed, but he had denied that they were of a kind to be suppressed or extinguished by the present measure. Instead of acting as a remedy, he was convinced that it would aggravate their violence. They arose, as had been truly stated by his noble friend (lord Erskine), who had done great services for his country, and had produced great public good, from a long and expensive war, which had stimulated every branch of industry to a strained and unnatural vigour, in which we had succeeded beyond expectation; but which, by the load of taxation with which it had burthened us, and which we were only able to support by the energy and extraordinary resources which the contest called into exercise, now left us oppressed and exhausted. This war, in its transition to peace, had produced still greater evils; it had disturbed all the elements of society, it had left our manufacturers without employment, and our agriculturalists without means or a market; and what was now the remedy proposed for the natural discontents that arose out of this state of things?—to suspend the constitution. Because there were a few designing persons ready to take advantage of the distressed to urge them to acts of violence, the whole people of England were to be deprived of their liberties, and those discontents aggravated which a wise government should endeavour to remove. While man was man, distress would always furnish the means of irritation. A noble duke had said, that prevention was better than punishment; and this was a maxim which, in its proper application, he was not disposed to controvert or deny, but which, when pushed to its full extent, would go the length of justifying a total deprivation of liberty. Because liberty might be abused and lead to licentiousness, therefore, according to this kind of reasoning, it ought not to be enjoyed; and every excess of despotism might be justified, as a means of preventing the evils of insubordination, and as an exercise of humanity. The noble duke was, however, in a mistake, when he supposed that the suspension act was the only means of prevention. The ordinary laws were sufficient; and this act, if properly enforced, gave, in this respect, no powers beyond what the ordinary laws conferred. Under it no man could justly be arrested for treason who could not be arrested without it —it gave the power of detention without trial, but not of apprehending without evidence of guilt. The learned lord on the woolsack, he was sure, would assent to this doctrine, and would not claim for government the authority by this bill of confining innocent persons, or persons against whom no proof existed. He (lord Grey) knew, however, that the powers given were not a practice so limited. He knew that innocent persons might be imprisoned; he knew that respectability was no defence; he knew that though they might afterwards bring an action for false imprisonment, they could obtain no redress for their sufferings, because he was assured that a bill of indemnity would be brought in to screen their oppressors; and that, after being confined for years, after being carried from one prison to another, after being debarred the sight of their friends, and even excluded from the visit of the magistrates, they would come out of their cells without any prospect of reparation for their calamities, or any means of establishing the innocence of their conduct, deprived of the means of punishing their enemies, or of obtaining that justice which they had a right to invoke.

He asked, were there no other means of prevention? Had not the magistrates the power of arresting and confining? and had any case occurred for which this was an insufficient remedy? He had thought that this measure was not necessary before, when a more threatening report was drawn up, the allegations of which had been materially contradicted. It had been impeached in what it said about Glasgow and the manufacturing districts; it had been impeached in what it said about the London Union Society, the secretary of which offered to prove its unfounded nature at the bar of the House; and it had been impeached by the grand jury of Norwich. The very person who gave information from Norwich, and calumniated that city, had published an atrocious hand-bill, that menaced the public peace, and had passed unpunished. The same report was impeached by the proceedings of the circuit in Scotland. Glasgow was one of the places where treasonable practices were said to prevail to the greatest extent; and yet there only fifty were taken up upon a charge of swearing unlawful oaths; and these oaths there was no doubt had been administered by hired spies and informers. Ten of these persons had been confined and liberated; only one was brought to trial, and against that one (Edgar) there were three indictments, a circumstance sufficiently indicative of the weakness of the government. Another case in that city (Niel Douglas) was that of a man accused of uttering seditious expressions from the pulpit; this charge was supported on the testimony of six hired informers, who were contradicted in their evidence by such numerous and respectable witnesses, that the public prosecutors gave up the cause with shame. Here was another impeachment of the former report on which our liberties were suspended; and such contradictions proved how cautious the House ought to be in legislating on the information of such agents. He had attended to the evidence on another trial (that of Watson); and supposing every word of it to be true, he could not say that the characters implicated were of a kind to excite alarm or to call for any measure for their control, except the common administration of the laws. When he reflected that the whole people of England were to be impeached and condemned unheard, for the crimes or the absurdities of such men, he did not know whether contempt or indignation should most take possession of his mind. These men were without means, without influence, support, or plan; yet it was said, they meant to barricade Oxford-road, to block up the streets leading to the Bank, to seize the shipping in the river, and to attack the Tower without cannon. The plan, such as it had been described, was carried into execution; and the very manner of its execution showed the weakness and contemptibility of the plan. He had heard the proceedings described by two respectable witnesses in the court of King's-bench; one of them a Mr. Hall, stated that the whole transaction was so ridiculous that 20 men might, at any time, have dispersed the mob assembled. He himself went to the officer on duty in the Tower, and requested a file of no more than 20 men; he considered that number quite sufficient to protect the shops from injury. The officer on duty, having no orders to send out soldiers, very properly refused to do so; but he (lord Grey) must say he wondered that ministers, having intelligence that the Tower was to be thus attacked, had permitted such excesses to take place. Another respectable tradesman had affirmed, that he thought six men would have been sufficient to quell the tumult; and that the mob seemed to have so little of a settled design, that they discharged their pieces in the air.

When we saw such effects the result of such plans, could it be said that the danger now existing at all resembled that which existed in 1793? But we were now told, that although the same clubs and meetings did not exist as in the winter, the same designs were still cherished, and the same spirit prevailed; that a system of delegation was still persevered in, and that a general rising was in contemplation. And what foundation was there for these allegations? Here we had an answer from the report of the committee itself. The information was derived from parties engaged in the transactions themselves. The intelligence, then, must rest on the depositions of parties who were themselves engaged in the transactions, either on their own account, or with a view to the profit to be derived from information. Such testimony was always suspicious, and the report of the committee admitted that the language and designs of persons of the latter description had had some effect towards inflaming the general disorder. A noble friend of his had reprobated the employment of spies, but he had been answered, that they were a necessary evil, and that it was quite Utopian to expect to unravel a conspiracy by any other means. He (lord Grey) had thought that this practice had been condemned by orators and statesmen, by writers and great men of every age and nation; that it was a practice sanctioned only by the most despotic governments; that it poisoned the sources of confidence between man and man; that it was destructive of domestic happiness and individual security, and altogether inconsistent with the existence of public freedom. A great writer (Mr. Burke) had said, that spies were never employed by good governments, but were an expedient resorted to only by the most despotic princes; and he (lord Grey) had thought that the employments of such engines constituted the great distinction between a free and a despotic government; but if these men, sent to penetrate into the designs of others, were to investigate and impel them to the commission of crimes, he would ask, what must be the state of society to sanction such a proceeding; a proceeding hitherto considered at variance with every principle of social order and happiness? Would the government, having employed spies, and found that they thus conducted themselves, any longer connive at such proceedings, or hesitate to bring such offenders to justice? Would it be endured that these men, enriched with the blood-money of their fellow-subjects, these harpies should continue thus unmolested to infest and destroy? He maintained that they ought forthwith to be consigned to the punishment their offences demanded. Was what he alleged without foundation? Had not Castle, a man of the most infamous and detestable character, been relied on as a witness on the late trials? a man who had hanged one and transported another accomplice in forgery; who had been imprisoned two years for assisting in the escape of a French prisoner, and punished for having tempted another to break his parole; who (though it has not been exactly proved) lay strongly under the imputations of bigamy and perjury; and who had lived in and been bully to a house of infamous description. It had very soon been suggested, that the things which he charged others to be guilty of might have been pepetrated by himself: and so, in truth they were. It was he who put the ammunition, as it had been called, into the waggon. The ammunition, indeed, was of such a nature and quantity, that it could have been placed there with no other view but that of supplying some ground for an information; and there was the strongest presumption for believing that it had been placed there by him alone, and without the knowledge of any of his acquaintance; for when the parties proceeded to the town they left their ammunition behind them. Besides, on all occasions he was the most forward. It was he himself that uttered the most seditious language, and gave the most inflammatory toasts. From this example it was not an unreasonable inference to suspect, that the information on which the whole body of the people was to be put out of the pale of its liberties was not of a very different description. He himself (lord Grey) had seen the evidence of the correspondence between the delegates, and it appeared, that there was one man who carried on the communication from Sheffield to Glasgow, and thence to other places. Would the noble lord say, that the plans of the conspirators were not encouraged by the very person he was now describing, and that he was not in correspondence with government? And then, with these instigations to impel them, who could read of the blank despair of those wretched persons who were described as having laid down their arms, and having retired to rest their exhausted frames by the road side, deprived of the power of attack or resistance, without being deeply affected, without thinking that they were led on to their destruction by these participators of their guilt?

He should now communicate to the House a statement he had received from Sheffield. If the person principally named in it, one Oliver, was not in the pay of government, he would give up the whole. He wished that his name might be recorded as the foulest of traitors, and the most atrocious of criminals; a person setting at defiance the laws of God and man, and converting the death and destruction of his fellow-creatures into his own emolument. The noble lord here read from the Leeds Mercury the statement respecting Mr. Oliver, which will be found in this day's proceedings of the Commons, and commented on that person's conduct in terms of the greatest severity, comparing it with Castle's when he came from the Tower, and meeting Mr. Hunt, informed him that the rioters had been in possession of it an hour. He urged that this Oliver had held out the strongest instigations to sedition; and though he did not mean to impute to ministers the guilt of this man's conduct, he dwelt on it to show the nature of the evidence on which it was proposed to ground the sacrifice of all our liberties, and to insist that ministers were bound to bring this man to punishment. He dwelt on it, to show the danger of employing men of this description; to show that it was incompatible with the security of mankind, and, above all, with the happiness of a free country. He asked, whether it did not shake to the foundation the report of the committee, and convey strong suspicions that the secret conspiracies to which these unhappy men seemed prone, from the want of employment, and the distress consequent on the cessation of a long war, were not produced, fostered, and supported by the agents of government itself? On the statements now laid before them the House ought at least to pause, before they gave full credit to the report of the committee, and at least inquire into the proceedings of this Oliver. But, even if the fact were not as he contended—if these disturbances had not been instigated by the agents of government—still the character of the persons concerned, persons of the lowest orders only, without power, property, connexions, sufficiently negatived the possibility of any danger. If the laws of the country were not sufficient against persons of this description, when should we hope that they could possess any efficacy? As to the evidence and correspondence from magistrates, he begged not to be considered as throwing out any imputations against that body, but he thought their recommendations should be attended to with suspicion; they all resided in the disturbed districts, they were all alarmed, and all prone to look for remedies in extraordinary exertions of power. All the documents tended to show the necessity of discarding a practice that had never been tolerated in any period of society—the encouragement of and reliance on informers. In Ireland a proceeding of the same sort, in the case of a Mr. Hamilton, in 1806, had nearly terminated in the destruction of fourteen Catholics; they were on the point of being convicted when the falsehood of the whole testimony was accidentally discovered; the attorney-general relinquished the prosecution on the spot, and placed the informer immediately on his trial for perjury. He had been led to recollect this business in Ireland; for the encouragement of informations had there led to that system of despotism to which we were but too rapidly approaching here.

He was persuaded that all these disturbances might have been put down without the employment of any such means. But we all knew that cries of this nature were always convenient to government; and when the demand for retrenchment became too importunate, when it was almost necessary to abandon some of the fortresses of corruption, these measures were resorted to, in order to suppress the public voice. He wished to accuse no man; but it had been his misfortune to view many invasions of the constitution; and sitting there as a member of parliament, with that constitutional jealousy of the proceedings of ministers which used to be thought a part of the duty of parliament, he still saw encroachments which rendered him distrustful of the measure now proposed. He lamented to see in that House, as well as in the other, and in the whole community, a sort of apathy and disregard of the conduct of ministers, and a disposition to fly to force as a cure for those evils for which the law had appropriated milder and more efficacious remedies. By those laws, in all ordinary cases, where the disaffected were not supported by persons of wealth or power, or assisted by correspondence from abroad, the means of government were quite sufficient to subdue any ordinary tumult. For his own part, he had been utterly unable to discover the danger that was now insisted on. The report of the committee owned that there was not only a great body still sound and loyal, but that even in the disturbed districts, the majority of the people were well affected. In the very scene of disorder, the farmer, the yeoman, and all above the very lowest class, had joined in support of the magistrates, and twenty hussars had been sufficient to quell every appearance of disturbance. With these facts, was the case made out which was to justify the suspension of the liberties of the country, and to place every man at the disposal of ministers?—for what time the noble lord had not stated, but it was held out, to some time after the next meeting of parliament. He trusted the bill would not pass; but that if it did, it would not pass without an amendment, proposing a shorter period for its duration. At all events, he, as an individual, should feel it his duty to oppose the bill, and to support those principles on which he and his colleagues had ever acted. He had no object to gratify, no passion to indulge; he felt himself declining in years and strength, and that this might perhaps be the last duty he should perform for his country; but he conjured the House to consider maturely the evidence before them, and to advert carefully to the facts which had arisen out of a purpose for detecting disaffection, but which had been encouraged by the very means employed to farther that intention.

The Earl of *Liverpool* admitted, that in considering the evil to be guarded against, a stronger remedy ought not to be applied than that evil required. But what was that evil? The real question was, whether there did not exist, in the judgment of that House, an organized conspiracy for the purpose of overturning the government? The noble lord had urged, that on former occasions of disturbance the government had not attempted to apply the same remedy. It was true, that where those disturbances consisted of nothing more than an unlawful conspiracy for the destruction of frames and machinery they did not apply the remedy now suggested, because they thought it inapplicable to such a purpose. The noble lord had seemed to consider, that the disturbances had entirely grown out of distresses, the existence of which we were all too well acquainted with: but it was clear, that these distresses, instead of being the real cause of the disturbances, had only afforded a handle to those who wanted to turn them to the furtherance of their own wicked purposes; for in districts where there was no distress, where manufactories and trade still flourished, there was more disaffection than in districts where the deepest distress was experienced; and in many other places where there was the greatest portion of suffering, there still prevailed the most loyal spirit. With respect to the nature of the conspiracy, it was not confined to one town, to one county, or to one district. It pervaded seven or eight counties; the disaffected were acting by associations, by correspondence, and by sending delegates from one meeting to another. The House knew the mischief which some of the disturbed districts had suffered. In March last, the town of Manchester contained bodies of armed men; muskets, pikes, and other weapons, were prepared in large quantities, and every thing was carried on under a regular system. But the noble lord's argument practically came to this—that if no persons of property or consequence were engaged in these transactions, there could be no ground for the measure proposed: and he had stated, that in all former periods the question for the suspension of the Habeas Corpus act had rested on that ground. However, before discussing that point, it would be necessary to say a few words as to the employment of spies. The noble lord had asserted, that all orators, statesmen, and writers, had, in all ages, condemned this practice. Whatever might have been said or written, he (lord L.) knew that, in practice, this weapon had always been employed. The employment of it appeared in all the free states of antiquity, and in all the state trials of this country. In those trials the whole basis and foundation of the proceeding had always rested on the information of persons in the employment of the state, and had rested on those principally; otherwise it had been impossible ever to detect offences That this was an evil he was ready to admit; but he considered it unavoidable, and he knew that it had existed in all times. We had on this subject the recognition of our own statute book. By the civil list act, a provision was made for secret service; and the secretary of state was obliged to depose on oath, that he had employed this money in foreign correspondence, or in the detection of conspiracies at home. He was ready to admit, that considerable difficulty existed in the application of this principle; but it was almost impossible, without such means, to secure the information necessary for public tranquillity. The noble lord had referred to a paragraph in one of the journals, and had detailed circumstances which, if they were true, he as much deplored as any body could; but with respect to the evidence brought forward on the late trial for high treason, he declared that the person alluded to was not known to government till long after the proceedings had commenced; and he would ask whether government could reasonably refuse the evidence of an accomplice, when it afforded a probability of detecting all the guilt that had existed? As to Oliver, this was the first time he had ever heard of his being implicated in the degree so justly reprobated: he could only say, that the person in question had rendered the most essential services to government during the last three or four months. To a certain extent he had certainly been employed by the administration; but instead of being incited, he had been particularly discouraged from acting in any way analogous to that described by the noble earl. The statement which had been read was exparte: it might be correct, it might be otherwise: but even if true, he was prepared to assert, that spies and informers had been at all times employed by all governments, and ever must be. And this being granted, it would, and must sometimes happen, that such persons, from zeal in their business, would sometimes go farther than they ought.—But the consideration of this point could not influence the present question, because the proposal for a general rising had been entertained before this person (at least he believed so) had meddled with the counsels of the disaffected.—He would now revert to the general question, which was, whether it was necessary, in order to constitute a dangerous insurrection, that there should be engaged in it men of character, property, and rank. If the affirmative of this question were true formerly, it was not so now, because, as a noble baron had stated, there was now, by means of clubs and associated societies, that system of organization among the multitude, that gave to disorder the effect of order, to ignorance the effect of intelligence, and thus enabled a mere mob to do what it had never been capable of doing before. If true therefore, formerly, our own experience proved that circumstances had arisen that made it true no longer. But was it entirely true, even with respect to former times? Had there been no conspiracies, ancient or modern, which, though composed of the mere dregs of the people, had brought great states to the very brink of ruin? Had their lordships forgot the early period of our own history, when the power of the Crown was much greater than at present, and when it had been increased and sanctioned by the glorious victories of Edward 3rd? Was it not true that the country was then brought to the very brink of perdition by an insurgent mob, headed by a blacksmith; and were not many of the principal persons in church and state horribly murdered before the tumults could be suppressed? Surely this proved that it was not necessary that men of high rank and property should be joined in a plot in order to make it dangerous. Had we not seen in modern times (he would not speak of the French revolution generally), that in the dreadful disturbances of the memorable September and October, the mere mob did all the mischief, unled by men either of property or rank? True it was, that a populace once entirely roused soon find leaders—he could say on his honour that he had no particular individuals in his eye; but men of property would soon join the rebellious rabble, not from approbation of their plans, but from fear of their vengeance. Soon, however, it would be seen, that it would not be the chiefs that would govern the people, but the people that would govern their chiefs. Instead, therefore, of thinking that a rabble, unless headed by men of consideration, would be less dangerous, he believed that it would be the more dangerous on that very account. The noble earl had asked whether we were so circumstanced that a multitude, unaided by rank or property, could overturn the government? To this question he would merely say, that he should not like to try the experiment. But suppose this should not be done, was there nothing short of absolute subversion? Was it no evil to a commercial people that, in the language of the report, "Manchester should be made a Moscow?" Was it no evil to a generous people that assassination should be inculcated as a regular duty? The noble earl had asked, whether, assuming the danger to be great, the present measures were the proper ones; whether, in fact, the government had not by law already the power of apprehending all persons suspected of treason? True, it was so; but without the present measure there was no power of detaining those who were apprehended: and he would boldly assert, that one power would at this time be perfectly nugatory without the other. He firmly believed, that this power of detention without trial was the effectual and only cure for the existing evils. It operated not merely in the case of the persons detained, but also on all persons who were conscious that they ought to be suspected. And if the state of Manchester was different from what it was before March last, he believed that to this measure alone the happy result was to be ascribed. It was, therefore, what it had been aptly called, a measure of mercy, a measure which every good man should hail as the safeguard of his property and his freedom. If there was any one reason which weighed more than another with him, it was the love of the constitution which he believed this measure would mainly tend to save. In the name of internal peace, in the name of morals, in the name of good order, in the name of security and liberty, he called upon their lordships to adopt this measure.

The Marquis of *Lansdown* began by saying, that he had listened with attention to all that had been said in defence of a measure resting on grounds entirely new, and but too likely to be drawn into a new precedent for the evil imitation of future times. He agreed perfectly with the observation, that occasions might arise in which it would be necessary to suspend the constitution; but he knew also with what circumspection, with what self-examination, it behoved those to proceed who were about to put away from them the sacred ark of their country's freedom. In applying himself to the inquiry, he had endeavoured to satisfy himself as to the grounds on which this proposed measure rested; and with this view he had particularly turned his attention to the reports made by their lordships committee. He found, in the first place, that there was no trace of any correspondence with foreign governments; in the next, that no persons of rank or property at home were implicated in the traitorous proceedings; and, lastly, that no connexion was now found to exist between the mass of discontent in the metropolis and that in the remote districts. He did not mean to say, nor did his noble friend mean to say, that a conspiracy might not be formidable without the aid of rank and property, but he had always thought, and such had been the argument of his noble friend, that it was the peculiar character of such a conspiracy that it could not be put down by such a measure as that proposed. In a plot in which some persons of consideration were involved, much good might be done by cutting off particular leaders; but how did this rule apply where, as was alleged in the present case, whole multitudes throughout the kingdom were contaminated and involved, and yet acted notoriously without leaders and without concert with each other? In addition to what had been so justly said respecting the infamous character of informers, employed not merely to communicate but to create disturbance, he would illustrate the nature of such evidence by a particular circumstance which had come within his own knowledge. In the year 1812, he had himself the honour of being a member of a secret committee that sat to inquire into the origin and effects of certain disturbances very similar to the present, and indeed the very root and foundation of them. A report was made to the House which was in strict conformity to truth, as far as concerned the testimony given before the committee: yet that report was in some particulars essentially false, because the evidence on which it was founded was false. A Mr. Horsefall had been murdered in one of the disturbed districts, and one of the principal witnesses who undertook to furnish the committee with an exact account of the state of the popular spirit and feeling, positively asserted, that Mr. Horsefall was murdered in the day-time, and in the presence of vast numbers of people, none of whom assisted him, but surrounded him and exulted in his fate. Now, what was the truth? The murderers of Mr. Horsefall were taken, and soon afterwards were tried at York; and on their trial it was distinctly proved, that Mr. Horsefall when fatally wounded, was not surrounded by an exulting populace, and for this plain reason, that there was no populace near the spot: there was no witness to the actual murder, nor did any one pass for some time; at length two passengers did see Mr. Horsefall on the ground, and they immediately ran to him, and afforded all the assistance in their power. He mentioned this as a striking illustration of the necessary fallibility of an informer's testimony; and he had little doubt that the evidence on which the report rested would, if well sifted, be found to be of the same fallacious nature. He now thought it necessary to ask their lordships whether those countries had been the most free or tranquil where such powers as were now asked for had existed?—whether, on the contrary, such countries had not been the theatres of the most bloody, dangerous, and fatal revolutions. The noble earl opposite had referred to the French Revolution; but surely that did not take place for want of such a power. Was it not rather the existence of such powers that instigated that Revolution? The noble earl had been no less inappropriate in his reference to the disturbances of the fatal September and October. Those horrid scenes were not the mere work of a mob, but the first causes of them were to be traced to plots in which much of the property, and rank, and talent of that nation was implicated. Let their lordships look to the allies of England, and see whether the most despotic government was the most secure. If utter indifference to the liberty of his subjects, if the perpetual exercise of a power like that now called for, could make a monarch secure, then Ferdinand of Spain sat on the most stable throne in Europe. Was not, however, the direct contrary the case? But suppose it otherwise, would this country ever stoop to accept security on such abject conditions as were a disgrace even to Spain? He would now turn from the example of a despotic to that of a free government. The noble lords on the other side would probably admit that the executive government of America was too weak. He would remind them, therefore, that not many years ago, when a conspiracy (he alluded to the case of colonel Burr) of a formidable and extensive nature was discovered, and it was proposed in consequence to suspend the Habeas Corpus law, the proposition was almost unanimously rejected: and yet what evil consequences had resulted to the government of the United States? Was it likely that the mere detention of individuals at the pleasure of ministers would guard against or suppress the described danger? Was it not calculated to foment rather than to allay irritation? He was disposed to concur in the opinion, that a system of clubs and societies, such as at present existed amongst the labouring classes, was a pernicious system; but he could not agree that the evil would be most effectually prevented by the power of arbitrarily imprisoning the presidents and secretaries of such clubs, for new presidents and secretaries would soon present themselves.—

"Uno avulso, non deficit alter."

They were all equally convinced of the necessity of punishing crimes; and the important question now was, whether the best mode of punishing and preventing them was not by the regular administration of law and justice, rather than by a system of arbitrary police? Whilst he recognized the existence of a certain extent of domestic danger, he felt himself bound to look also to its quality; and the result of this comparison and inquiry was, in his mind, that the due exercise of the powers of the law tempering justice with mercy, aided by the influence of property, character, virtue, and talents amongst the higher orders, would form the best security against the danger. He should be sorry to consider even those who might have been engaged in some criminal transactions as irreclaimable; but when it was confessed that the great body of the people was sound, and when it was remembered with what fortitude they had supported their difficulties and privations, he felt himself justified in requiring for them the full enjoyment of that freedom which was their birth-right, and of those constitutional advantages which could not be surrendered without some hazard of losing them altogether. The great body of the people were, he believed, inclined and able to put down any partial rebellion; and the surest means of preventing that calamity altogether was a general conviction of the excellence of a constitution combining more personal liberty than ever had before been made consistent with the preservation of public peace.

Lord *Grenville* declared, that, in giving his best support to the measure now under consideration, he was induced to do so from a sincere belief that he was at the same time contributing his best support to the cause of freedom itself, as well as to the happiness and security of the country. When he assented to a similar proceeding three months ago, he had indeed, but little expectation that in so short a period there would be such a change in the circumstances and dispositions upon which it was founded, as would render it unnecessary, subsequently to prolong its duration. He concurred, however, in the necessity of passing it for a limited period, because he deemed it right that parliament should reserve to itself the power of acting upon new information, in the event of new and important information being obtained. He must also declare that he did not feel his character involved in the report of the committees of which he had been an humble member. It was not a pleasing duty to perform; but they had all, as he believed, as he was conscious he, for his own part, had done, proceeded with the best views upon the information before them. He could have no inducement on this occasion to act upon any other principle than a sense of public duty: and although it would only be with life itself that he would entirely abandon pursuits, and desert a cause in which he had been engaged for five and thirty years, yet it was not improbable that this might be almost the last occasion on which he should have to claim the attention of their lordships. Whilst he concurred in much of what was said as to the danger of the powers it was proposed to intrust to the executive government, and as to the misconduct of persons who instigated the crimes which they were employed to detect, he could not admit that intelligence derived from such quarters, and the credibility of which was supported by coincident circumstances, was not a fair and even necessary ground in some cases of legislative interference. Whether there had been misconduct or not on the part of ministers, he could not doubt of the result of the whole examination, taken into view all the circumstances. A conspiracy existed for objects detailed in the report, and the progress of which their lordships were imperiously called upon to stop. The prevention of dangerous offences was certainly better than the punishment of them. In fact, it might appear to the eye of the moralist, that prevention formed the whole ground on which punishment was defensible. Arguments on all subjects might be pushed to the greatest extent. The question was, as to the proper application of them. In order to prevent crimes, a power should not be given, and exercised, which was in itself, and generally, injurious to society: but in the present case, if asked what were the grounds of his conviction in favour of the measure, he should say, that he thought this important and awful measure necessary for the prevention of great evils. That was his answer to his own mind, notwithstanding what might be said of the description of persons accused or suspected; and of their character, influence, and means, if employed in the attempt to overturn the government. That these persons were at present important, he would by no means say; but yet there might be great danger in leaving them to work out their designs till the moment of complete exposure. He had too good an opinion of the good sense of the country to fear great dangers; but these dangerous practices would operate as an example and encouragement to all whose minds might be turned to dissatisfaction and disaffection. If a habit of provoking and insulting the government were allowed to go on, it might be employed by the artful for the purpose of detaching the people from their regard for the constitution. Perhaps the taking of the Tower was improbable; but yet enormous mischiefs might have occurred. The present times were different certainly from those of the Revolution, or of 1715 or 1745; but the peculiar nature of the dangers demanded a remedy. However, painful it might be, he felt it his duty to support the measure.

Earl *Spencer* felt great pain in differing from the noble baron, for whose opinions and character he had entertained for many years such high respect; but on this occasion he could gather no solid grounds of argument in favour of the awful and dangerous experiment that was proposed. Nothing short of absolute necessity could justify the measure; and that necessity had not been shown. It was true, that remedies must be applied to evils, and that prevention was better than punishment, but his mind was so constituted, that he could not see that the proposed measure was so excellent for prevention instead of punishment. The experience of the last three months carried no such conviction with it. The measure proposed was a suspension of the people's liberties; and he felt himself bound to hand down those liberties unimpaired which we had derived from our ancestors. It was not his duty to give to any men power that did not appear to him absolutely necessary. Now, we were called upon to give to the government arbitrary power; for how long a time was not yet known; but he yet hoped their lordships would not grant it for a moment longer than it should appear to them entirely necessary. Differing as he did from friends whom he esteemed, he felt it an important duty not to give a silent vote. It was vain to talk of the responsibility of ministers on a measure which gave them arbitrary power; they would come afterwards with a bill of indemnity. The matter rested with their lordships consciences. He would venture to say, that the grounds now laid for the bill would be stated again at its expiration, whenever that might happen, in favour of its renewal. There had been no good argument adduced to show that the country would speedily be in a better state. He must therefore give his negative against granting ministers an arbitrary power.

The Duke of *Sussex* said, that after the numerous able arguments their lordships had heard against the measure, he should beg leave only to submit one additional reflection, which had forcibly struck him in a moral point of view. It was this: he had witnessed the effects of arbitrary power upon the subjects of other countries, and he observed that poison and assassination were prevalent amongst them. In this country these dreadful practices were scarcely known. But if the expressions of popular sentiment were suppressed or circumscribed, as it might be by such measures as that under consideration, it was much to be feared, that it would endeavour to find vent some other way. Should this measure pass into a law, it would be his duty to submit to it; but until it did, he would oppose it in every stage.

The House then divided: Contents, 109; Proxies, 81; Total, 190. Non-contents, 27; Proxies, 23; Total, 50. Majority for the second reading of the bill, 140.

List of the Minority.

Present.

DUKES
Sussex
Somerset
Grafton
Bedford.
MARQUESSES
Lansdown.
Wellesley.
EARLS
Essex
Darlington
Albemarle
Ilchester
Spencer
Grosvenor
Donoughmore

Rosslyn
Grey
Lauderdale.
VISCOUNTS
Torrington
Clifden
LORDS
St. John
Saye and Sele
King
Montfort
Holland
Foley
Grantley
Auckland
Erskine.

Proxies.

DUKES
Devonshire
Argyle
Leinster
MARQUESS
Downshire
EARLS
Derby
Suffolk
Thanet
Jersey
Cowper
Waldegrave
Darnley

St. Vincent
Carnarvon
Charlemont
VISCOUNTS
Hereford
Bolingbroke
Anson
LORDS
Byron
Dundas
Cawdor
Hutchinson
Crew
Ponsonby

HOUSE OF COMMONS.

Monday, June 16.

SPIES AND INFORMERS.] Sir *F. Burdett* rose to call the attention of the House to a subject of the greatest importance, both to the welfare of the government and to the liberty of the subject. He had found it stated in a Leeds paper, which he had read that morning, that a person of the name of Oliver had been in the north, trying to excite people to illegal acts, for the purpose of entrapping them. The hon. baronet then read the following statement contained in the second edition of the Leeds Mercury:—

"Since the first addition of our paper was prepared for the press, the highly important fact has been communicated to us, from a respectable quarter, that the plot referred to in the above statement has been got up under the instigation of an agent from London, and that the principal offender has been suffered to escape with impunity. In confirmation of this fact, which was communicated to us at a late hour yesterday afternoon, we were referred to Mr. Willans, a bookseller, in Dewsbury. To develope a transaction so important, not only to the government and the people of this country in general, but so intimately connected with the liberty and lives of the accused, we felt it to be our imperious duty to repair to Dewsbury, without a moment's delay, and there to ascertain, on the spot, the truth of the allegation.—As a precautionary measure, we drove to the House of one of the first merchant manufacturers in the town, and Mr. Willans being sent for, he suggested, that in order to render the investigation complete, Mr. John Dickinson, a linendraper in that place, should be invited to attend. This suggestion being adopted, Mr. Dickinson also attended, and the following is the result of our investigation into the mysterious transactions which formed the subject of our inquiry:—Mr. Willans stated, and the truth of his assertions he is willing to confirm by his solemn affirmation, that about two months ago, a person of the name of Oliver called upon him, and introduced himself as a parliamentary reformer, sent from London, to ascertain the dispositions of the people in the country. This man he describes as a person of genteel appearance and good address, nearly six feet high, of erect figure, light hair, red and rather large whiskers, and a full face, a little pitted with the small-pox. His usual dress, he says, was a light fashionable-coloured brown coat, black waistcoat, dark blue mixture pantaloons, and Wellington boots. The description of such a character is important, and may form a clue to farther discoveries, connected with his proceedings in other parts of the country. Mr. Oliver, he says, called upon him several times after his first introduction, and in one of his subsequent calls, said, that as it was quite obvious that government would not listen to the petitions of the people, it had now become necessary that they should be compelled to attend to their demands.—These insinuations Mr. Willans silenced by the observation, that he could not engage in any proceeding that implied the use of force, or the shedding of human blood.—On another occasion, Mr. Oliver told him, that he (Oliver) was one of a committee of five that effected the escape of young Watson, and that if Thistlewood had had equally prudent counsels, he would also have escaped. In fact the whole tenour of Oliver's conversation went to show that he had traitorous designs, and that he was in league with traitors.—Such conversation, as might be supposed, awaked Mr. Willans's suspicions, and the intercourse between them had almost ceased, when, on Friday morning last, the day the ten persons were arrested at Thornhill Lees, near Dewsbury, he again called at Mr. Willans's shop between ten and eleven o'clock, and Mr. Willans being absent on business, he begged that his wife would tell him, that a meeting of delegates was to be held on that day at Thornhill, and earnestly requested that she would use her influence to prevail upon her husband to attend. Before Oliver quitted Dewsbury to attend the meeting, he called again at the shop, when he found Mr. Willans had returned. He accordingly renewed his solicitations to Mr. W. to attend the meeting, telling him at the same time, that his friends in London "were almost heart-broken that the people in the country were so quiet." At the same time he informed him, that he had walked over from Leeds that morning, and two persons, supposed to be Leeds men, appeared in his train. Unmoved by Oliver's solicitations, Mr. Willans persisted in his resolution not to attend the meeting, and owing to his obstinacy, Dewsbury was prevented from swelling the number of deputies so called.—"At the appointed time the meeting was held at Thornhill Lees and the toils being set, eleven deputies, Mr. Oliver being of the number, were taken by a detachment of cavalry, and all except Mr. Oliver, who had the good fortune to be liberated, were conveyed to Wakefield in custody. While the examinations were proceeding at the court-house, Mr. Oliver had repaired to his quarters, which were the Strafford arms, that is, the head Inn in Wakefield. Here, to his great consternation and confusion, he was recognized by Mr. John Dickinson, who had seen him at Dewsbury, and had heard that he was a leading man at the private meetings. Advancing up to Oliver, Mr. Dickinson addressed him, and the following conversation took place: "Mr. Dickinson—How does it happen, Mr. Oliver, that you, who appear to have taken so leading a part in the meetings, are at liberty, while your associates are likely to be sent in custody to London?"—"Mr. Oliver—No papers were found upon me, and being a stranger, the persons who apprehended us were obliged to set me at liberty."—These observations were made in a very hurried manner, and Mr. Oliver withdrew to take a seat in the Wakefield coach to Leeds. As soon as Mr. Oliver had placed himself in the coach, a servant in livery stepped up to him, and, moving his hat, entered into conversation with him. This circumstance, combined with the extraordinary reasons that Oliver had given for his liberation, induced Mr. Dickinson to inquire of the servant, after the coach had left the inn, if he knew that gentleman? to which the servant replied, that he had seen him at Campsall, and he had driven him a few days before in his master's tandem from that place to the Red house to meet the coach. On receiving this information, Mr. Dickinson inquired who his master was? to which the servant replied, General Byng. He then left him, and asked Mr. Tyler, who keeps the Strafford Arms, if he knew Oliver? to which Mr. Tyler replied, that he had been there several times—that he believed he was from London—and that several London letters had come directed to him at that inn. From every thing we have heard of the character and conduct of General Byng, we are persuaded that he has been merely the medium for receiving Oliver's information, and that whoever may have employed this double-distilled traitor, the general has acted merely in the discharge of his official duty. But every circumstance we have just related, proves, that somebody has employed him, and the question is—who were his employers? What the trade of this man may be, we cannot pretend to say—but that he is a green bag maker by profession, is, we think, sufficiently obvious."

Now, continued the hon. baronet, it was stated, that this Oliver was a spy of government, and the report which had been recently produced in another place acknowledged that such persons had been actually employed by government. The greatest exertions, it appeared, had been used by such characters to excite others to illegal acts, and for this they were paid and rewarded by ministers. Nothing, he thought, could be more atrocious, especially in these times of wretchedness and distress, than for government to hire and pay people to excite sedition. This was, indeed, an act so atrocious, so infamous, so diabolical, that he was almost ashamed to say he could give credit to the statement that ministers had been guilty of such transactions. The fact, however, of such persons having been engaged, and afterwards rewarded by the government, could not be denied. The character of Reynolds had been lately before the House; he was a notorious spy, and had committed the most atrocious acts—acts at which human nature shuddered; but now he was under the auspices of government, and had become a person of great splendour and affluence. This infamous man had been frequently summoned on juries to sit on the lives of the people of England; nay, he had been one of the grand jury who found the bill against the unfortunate persons who were now under trial for high treason [Hear, hear].

Mr. *Wynn* rose to order. He did not mean to say, that the hon. baronet was out of order, but he should be equally in order in moving that strangers should withdraw. [Loud shouts of Hear from the ministerial benches, which were repeated by the opposite side].

Mr. Brougham then rose and moved, that the House do immediately adjourn. This motion was seconded by the hon. Mr. Bennet. Strangers were then ordered to withdraw. During our absence, the House divided three times on the question of adjournment. On the first division the numbers were. Ayes, 29; Noes, 162. On the second division. Ayes, 26; Noes 157. On the third division. Ayes, 26; Noes, 136. On our re-admission to the gallery we found the House in a committee of supply, on the Army Extraordinaries.

Mr. *Bennet* wished to ask the noble lord whether Mr. Reynolds, of infamous memory, was appointed consul-general to Malta?

Lord *Castlereagh* believed that several juries had given credit to Mr. Reynolds testimony, and he did not understand why the hon. member should attach infamy to Mr. Reynolds's character, unless it rendered a man infamous to be instrumental in the discovery of treasonable practices. Mr. Reynolds had been employed in his majesty's service in Portugal, and also in the post-office at Dublin, and had performed his duties with great integrity and credit; and therefore he had no hesitation in recommending him as consul-general to Malta.

Mr. *Bennet* did not impute any discredit to a man for coming forward and giving his evidence on such occasions, but he held, that a man who had been an accomplice in the crime, and who betrayed his associates, was an individual on whom no reliance could be afterwards placed.

Lord *Castlereagh* repeated, that he did not consider it any degradation to a man to give his evidence in a court of justice in support of the laws. He had never heard any imputation against Mr. Reynolds's personal character, or the evidence which he had given; nor had he heard of any act discreditable to him, except his having been engaged in a rebellion, for which he had made the best atonement in his power.

Sir *F. Burdett* always understood that Mr. Reynolds was a man of notoriously infamous character. It had been proved on a trial, in which he gave evidence, that he had been guilty of the most atrocious crimes. Captain Lymington and his brother had sworn, that he had poisoned their mother; this stood recorded on the printed trial; and that he had broken open some private drawers, from which he had taken many hundred pounds. Many other circumstances were sworn to, as appeared in the printed trial. It was sworn on that occasion, that he was not worthy of being credited on his oath; but he had since become an important personage, and the *protegé* of his majesty's government. This was an infamy attaching to the noble lord and his colleagues, which they could not get over without some explanation. He would speedily take some means of bringing the subject under the consideration of the House, as it was necessary that this heavy charge against government should be cleared up.

Lord *Castlereagh* said, that such a motion would unquestionably be strictly parliamentary. As to the assertion on the trial, that Mr. Reynolds ought not to be believed on his oath, successive juries had believed him on his oath, and parliament also had believed him. He did not think Mr. Reynolds's character was tainted with any thing more than rebellion, though that was a great taint: but he had avowed his error, had expressed his contrition, and had manifested his sincerity in a court of justice, by bringing traitors to deserved punishment.

Sir *F. Burdett* said, his view of this matter had no reference to any particular government. He would reprobate such conduct by whatever government it was countenanced. With respect to the general character of spies and informers, they might merit their reward, but to hold them up as objects of respect was most extraordinary; and in regard to the credit due to their testimony, no jury ought to believe it, unless it was strongly corroborated by other witnesses of unimpeachable integrity.

Mr. *Wynn* desired that the question before the House might be read.

Sir *F. Burdett* apprehended, that in a committee of supply the subject was quite open to discussion. He now asked the noble lord, did Reynolds receive a pension from the government?

Lord Castlereagh gave no reply.

Mr. *Brougham* observed that, notwithstanding the enforcement of standing orders every question of supply was necessarily connected with the grievances of the people. The Crown demanded the money; the Commons had a right to demand a redress of grievances, and it was no light matter to have persons like Reynolds quartered upon them as pensioners. What would the country say, when they heard that the noble lord intended to send forth a person of this degraded cast as his majesty's consul-general to a foreign part? What would the continental ministers say, when they became acquainted with the character of this representative of the government? In all commercial concerns, he was to represent the government, at least as far as concerned the merchants of this country. Was it to be maintained seriously, that a person clothed with a character of a spy and an informer was to hold this situation? This, he believed, was the first time that any man had ventured in that House to pass a panegyric on spies and informers—persons of such infamy, that no one judge in England, or in Ireland either, would desire a jury to take cognizance of a case where their evidence was not fully and clearly corroborated. This Mr. Reynolds, it appeared, had for lucre come forward to swear (no matter whether truly or falsely) against his associates; he had turned informer, and this was sufficient to stamp him with all the infamy that attached to such characters, notwithstanding all the subtlety of the noble lord. He could not sufficiently express his abhorrence of such a character, nor his grief to hear the eulogium which the noble lord had thought proper to pronounce on it.

Lord *Castlereagh* appealed to the House whether he had pronounced any eulogium on Mr. Reynolds. He had said, that Mr. Reynolds had been engaged in the rebellion, but that he had afterwards avowed his error, and discharged his duties with fidelity.

Mr. *Wynn* said, that if the hon. baronet had objected to the supply because the question of grievance had not been answered, he should not have interfered. He did not think, however, that the question of what credit a jury would give to such a witness was a grievance. Certainly, that House had always held, that grievances might be inquired into when the Crown came to demand a supply.

Mr. *Curwen* thought it most disgraceful in ministers to employ such a man as Reynolds in any public situation. He trusted that the noble lord would undo what had been done on this subject; because, though Reynolds might be rewarded for his services, it certainly was not fit to hold him up as a person to be employed in a public capacity.

The resolutions were then agreed to.

HOUSE OF COMMONS.

Tuesday, June 17.

NEWFOUNDLAND TRADE.] Mr. *M. A. Taylor* rose to call the attention of the House to that most important subject, the state of the Newfoundland Trade; the extent and magnitude of which ought to render it an object of deep parliamentary solicitude. In this trade were employed no less than 800 vessels, navigated from this country, and manned by more than 6,000 men; who were thus educated for the naval service. It was a fact, highly deserving the attention of the House, that all the supplies of Newfoundland were derived from this country and Ireland. The returns made to Great Britain from this colony were very great. The fish caught and cured in two years, amounted, when sold in the European markets, to two millions sterling, all remitted in specie or bills of exchange; being the only description of our trade by which a return similar in kind was made to the mother-country. He disclaimed all hostility to government, or to the board of trade, in the motion which he was about to submit to the House. But he must press upon parliament the indispensable necessity of taking some vigorous steps to relieve the colony from the state in which it was at present placed. By the last accounts it appeared, that of a population of 60,000 persons, 5,000 were out of employ, and in a state of beggary. Famine and misery staring them in the face, they were prompted to acts of violence; they ransacked and plundered the warehouses; there was no security for the peaceful inhabitants by day or night, and provisions and other supplies were taken by force by the starving part of the population If not promptly relieved, the colony, in the ensuing season, would present a scene of horrible civil warfare. The merchants in this country, finding the trade of Newfoundland in so depressed a state, would not send out the ordinary supplies; and the place itself was incapable of any produce. Under these circumstances, it was most important that some legislative measures should be adopted for the support of the trade; for the trade of Newfoundland required capitals so large, that if once it was allowed entirely to sink, to revive it would be a matter of prodigious difficulty. One great cause of the depression of the trade was, the permission injudiciously given by treaty to the French to fish at Newfoundland. Another was the high duties imposed on the importation of the fish in Spain and Naples. Strong representations ought to be made on this subject to the kings of those countries, who having both been placed on their thrones by the arms of England, ought in gratitude to abstain from imposing on the Newfoundland trade a duty so high as to amount nearly to a prohibition. He could not frequently enough impress on the House, that this was no common trade; it was one vitally affecting the interests of England: it had always been so considered by the greatest statesmen, and yet it was left to dwindle unaided. The pilchard fishery was protected by a bounty, the whale fishery was protected by a bounty; but this most important trade was left without any protection. The French trade, on the other hand, was encouraged by bounties, which had nearly rendered the French our rivals in the markets of the Mediterranean. France gave a bounty not only on the fish caught, but on the ships and men employed; thus pursuing a wise policy, which he strongly recommended to the adoption of our government. The hon. gentleman here read a list of the French bounties on their own Newfoundland trade, and a list of the Spanish importation duties on ours. Reverting to the large part of the population of Newfoundland unemployed, and perishing for want of food, he observed, that government had proposed to send 1,000 of them to Brunswick and New Canada. More might be sent thither with advantage. Their absence would relieve Newfoundland, and they would assist in clearing and settling the colonies to which they might be conveyed. There were various modes in which the difficulties under which the Newfoundland trade laboured might be mitigated, if not removed; but if no effort was made, that most valuable branch of our commerce must soon be at an end. Mr. Pitt, and afterwards Mr. Perceval, had shown themselves fully sensible of the importance of the subject; and had agreed to the grant of some bounties, the expense of which was as nothing, compared with the benefit derived from their operation. He concluded by moving, "That a select committee be appointed to inquire into the state of the Trade to Newfoundland, and into the situation of that settlement, and to report the same as it shall appear to them to the House."

Mr. *Protheroe* seconded the motion, eulogised the clear and impressive manner in which the hon. gentleman had represented the distressed state of Newfoundland, and urged the expediency of taking prompt means to relieve it.

Mr. *Hart Davis* felt that the subject was worthy of the immediate attention of parliament, from the information he had received upon the subject.

Sir *J. Newport* thought, as the French were now giving to their fishery on these coasts a bounty, we could do no less. His constituents were deeply interested in the success of that colony, as much of the trade of Waterford consisted in exports to Newfoundland.

Mr. *Goulburn* considered that the state of Newfoundland called for immediate parliamentary attention, he should therefore not oppose the motion.

Mr. *Wilberforce* expressed his acquiescence in the propriety of directing the attention of parliament to the distresses sustained by the inhabitants of this portion of the empire.

The motion was agreed to, and a committee appointed.

HOUSE OF COMMONS.

Wednesday, June 18.

RIGHT OF MAGISTRATES TO VISIT STATE PRISONERS.] Lord Folkestone rose to make a motion of which he had given notice, and expressed his regret that he should have to make it in so thin a House, and during the absence of those who ought to have been present, if they wished for an opportunity of justifying their measures. The object which he had in view was to procure copies of all instructions sent by the secretary of state for the Home Department to all gaolers, magistrates, or other persons, respecting the custody and treatment of persons confined in consequence of the suspension of the Habeas Corpus act; and the circumstances which had called for this motion on his part were these:—There were three persons under confinement in Reading gaol upon a charge of treasonable practices; they were called state prisoners; and, in consequence of some orders transmitted by the secretary of state to the gaoler, the visiting magistrates of Berkshire were not allowed to visit them. Now he (lord F.) felt himself entitled to complain, that he was deprived of the right which he had, as a magistrate of that county to visit that gaol; and he had no hesitation in saying, that the authority which had been assumed by the secretary of state on this occasion was a gross violation of the law. By the 31st of the King, ch. 46, it was expressly declared, "that for better preventing all abuses in county gaols, the magistrates for the county of their own accord, and without being appointed visitors, might, from time to time, enter into such gaols, and examine into the treatment of the prisoners; and if they saw any abuse, that they should report the same to the quarter sessions, and no abuse so reported should be allowed any longer to continue." When the House found that this act remained on the statute-book unrepealed, what would they say to the order of the secretary of state, which arrogated the power of preventing the magistrates from visiting the county gaols? The power thus arrogated was most illegal and unconstitutional; it was a direct violation of that clause in the Bill of Rights which declares, that the laws of the land shall not be suspended or dispensed with, without the authority of parliament; it was, in fact, a complete breach of the contract made between the king and the people, and, as such, it deserved the most grave and weighty consideration. He should have thought, that when he had stated this, he had said quite enough to put his majesty's ministers upon their justification; but he would examine some of the arguments which he understood were intended to be set up in their defence. It was said, that all gaols were the king's; that they were regulated by royal prerogative, and that the power now exercised had been always adopted with respect to state prisoners. Precedent had been quoted of the exercise of this power at the beginning of the last century; but the act to which he had alluded was passed so lately as 1791, and, therefore, any precedent of previous practice could not apply, or be of any avail. In support of this argument, he must beg to observe, that, in the first place, every gaol in the kingdom was now made a state prison, which was not formerly the case. State prisoners, as they were called, were then committed to the Tower, which was a military fortress, under the power of the Crown, into which no magistrate or justice of the peace had a right to enter: but, by the late act for suspending that great bulwark of our liberties, the Habeas Corpus act, prisoners might be confined in any gaol, and removed from gaol to gaol at the pleasure of the Crown. Now, to a certain extent, he admitted the rule, that the prerogative of the Crown could not be affected by an act of parliament, unless the prerogative of the Crown were particularly specified in that act. He believed, however, that there were some very important exceptions to this rule, and supported by very great authority. In Atkins's Reports, in a case upon the statute of frauds, lord Hardwicke doubts whether the king is not affected, though not expressly named. Sir Edward Coke more than once expresses an opinion contrary to the general rule. The law for the abolition of the slave trade most certainly extended to the prerogative of the Crown: but there was another very strong case—the case of perjuries prosecuted under the statute of the 5th of Elizabeth. Lord chief justice Holt there declared, that the king's pardon would not remove a man's disability to give evidence. In Buller's Nisi Prius, a work of great repute, it was also said, that the king's prerogative might be bound, though that prerogative was not named in the statute. Sir Edward Coke, in his Reports, says, that all statutes to take away wrongs, or prevent frauds, shall bind the king, although he be not expressly named, and the reason which he assigns is on account of the public good. The question, then, was, whether the act of the 31st of the king was an act passed for the public good, or not? Now, this act was to prevent abuses in his majesty's gaols, and nothing could be more for the public good than that object. The Crown, therefore, had no more right to violate this act of parliament than any other man; and, consequently, this order of the secretary of state to prevent the magistrates from entering into the gaol was a gross violation of that statute, and a suspension of the law of the land. He was willing to admit, that all gaols were the king's; but he apprehended that the king had no peculiar prerogative over them. The building was the king's, but the custody of the prisoners belonged to the sheriff. This could be most satisfactorily established by positive acts of the legislature. By the 14th Edward 3rd, it ways provided, that the gaols which were wont to be in the sheriff's custody, and of which they had been dispossessed, should be restored to their bailiwicks. An act passed in the reign of Richard 2d was still more positive: it enacted, that the king's castles and gaols, once given to the care of the sheriff, but which had been severed from him, should be again put into his hands. By another statute, in the reign of Henry 7th, it is expressly declared, that the sheriffs of every county shall have custody of the gaols. Nothing, he thought, could be more satisfactory than these several authorities. It might be proper, however, to mention, that in former times the sheriff was not appointed by the Crown, as he now is, but was elected by the freeholders of the county; and when this was kept in mind, the importance of his office, and the propriety of investing him with the custody of gaols, would be more fully understood and felt. It had, indeed, been solemnly adjudged, that the sheriff has the custody of prisoners, and that the king cannot abridge him of any thing incident to his office, notwithstanding the grant of the custody of prisoners by the king to other persons. Now, what was it but the grant of the custody to other persons, when the magistrates, in consequence of an order of the secretary of state, are refused admission to the prisons? Sir Edward Coke, in his Reports, declares, that, in the 39th and 40th of Elizabeth, it was resolved by Popham and Anderson, and all the judges of England, that the custody of gaols belongs to the sheriffs, and that the sheriffs shall have the custody of them, and that the custody of prisoners to other persons was absolutely void. He (lord F.) contended, therefore, that this proceeding of the secretary of state, to prevent the admission of magistrates who were entitled to visit gaols, was a gross breach of the law. What power, he would ask, had the secretary of state to enforce this order? Literally none. The gaoler was not appointed by the secretary of state, he was not paid by the secretary of state, nor could he be removed by the secretary of state. The magistrates were directed, by the 31st of the king, to visit prisons, in order to see that no abuses existed: and, now that we were commencing a system of *espionage*, when persons were taken up and confined on slight and unfounded charges, as the verdict of a jury had declared, the provision of an act of parliament, which was expressly made to prevent abuses, was most grossly and illegally violated by the sole will and pleasure of a secretary of state. The king's ministers had taken upon themselves to set this law of the land, made for the security of the subject, at complete defiance; they had trampled upon it, and declared that it was of no avail, as they had prevented magistrates from going to see whether any abuses were committed in the prisons or not. And why was this? Were ministers afraid of the loyalty and integrity of the magistrates? Did they think that the magistrates were not fit to be trusted? If they really thought so (and what else did their conduct imply?), why were not the magistrates struck out of the commission of the peace? The noble lord then moved, "That there be laid before this House, copies of all instructions given by or sent from the office of the secretary of state for the home department to all gaolers, or other persons, to whose custody may be committed persons detained under the provisions of an act passed in the present session of parliament, 'for enabling his 'majesty to secure and detain such persons 'as he shall suspect are conspiring against 'his person and government;' and also, copies of all letters, or of answers to queries, sent to any magistrates, respecting the custody and treatment of the same."

The *Attorney General* said, that the noble lord had stated a proposition which he was not at all inclined to deny, namely, that the king had no power to dispense with the laws. This was a principle settled at the Revolution, and expressly declared by the Bill of Rights. The noble secretary of state had not done any thing on this occasion which had not been uniformly done for the custody of state prisoners. The warrant for the apprehension of the parties, specified that they should be kept in close custody; and the law ordained that they should be kept in such custody, not only previous to their trials, but also during their trials. If the noble lord would take the trouble of examining the State Trials, he would find a vast variety of cases, both prior to and since the Revolution, when this doctrine was maintained by judges who were as much friends to the liberty of the subject, according to the law of England, as the noble lord, or any other man. Instances of the exercise of the power now complained of had been sanctioned by lord Holt, and also by lord chief justice Pratt: by the latter particularly, in the case of Christopher Layer, who was tried in the King's-bench for high treason, in 1722. Lord chief justice Pratt then made a rule that Mr. Layer's wife should be admitted into the prison, but all other persons were excluded, without an express order to the gaoler. Part of the noble lord's argument was, that the sheriff was to decide according to his discretion; but the fact really was, that the party who committed had always granted or refused permission to visit the prisoner. The sheriff of the county was to keep the gaol; he was liable for the escape of the prisoner; and no other person had a right to be keeper of the county gaol but the sheriff: but that did not decide the question in the slightest degree, that the persons committing had not a right to say that such or such persons should be either admitted or refused. The sheriff's gaol, and every gaol in the kingdom, was the king's gaol. It was laid down by lord Coke, and by almost every other writer, almost in these words—"The gaol is the king's, though the subject may have the custody of that gaol;" and certainly, the king had always, through the medium of his privy council or secretary of state, exercised the right of admitting or refusing persons to visit state prisoners. The noble lord had cited several cases to show that particular acts bound the king, although he was not expressly named in them: but none of those cases had the slightest application to the subject. The noble lord thought, that in the case of perjury the king's prerogative of pardoning was taken away. That he denied. The act of parliament expressly stated, that no person convicted under that statute for perjury should be admitted to give evidence, unless the judgment was reversed; but it did not take away the king's power of pardon for perjury. With respect to the statute of the 31st of the king, when that act was passed, he would venture to say, that such a question as that which the noble lord had brought before the House was never in contemplation. That act was made for a very different purpose. The object of it principally was to enable magistrates to visit penitentiary houses, in which the parties were to be under a sort of domestic government, for keeping them in a state of constant employment. It certainly spoke also of county gaols. The act directed that two justices might visit and inquire into the state of the prison; and the object of the act was not at all defeated by what was now contended for. Any magistrate might still go, might report abuses, or make his observations; but it was necessary for this purpose that he should have private communications with each of the prisoners. With respect to state crimes, in which the passions of men were always much engaged, it would be of the most dangerous consequence if every magistrate in the country might at all times converse with every prisoner, and that in private. Magistrates were but men; and every possibility of danger ought to be guarded against. Though the noble lord had assumed that the persons now confined had been taken up wantonly, there was no argument contained in such an assertion; and if there was, he (the attorney-general) had an equal right to say, that none had been taken up but those who deserved it. But the noble lord had contended, that whatever was the case before 1791, the law had been altered since that time. If so, it was a little singular that this was the first time an objection had been raised to the exercise of this power by the secretary of state, because it was clear that, since 1791, in every suspension of the Habeas Corpus, similar orders were given at the discretion of the secretary of state, as to every prisoner taken up under such suspension. But the noble lord's argument had nothing to do with the suspension of the Habeas Corpus in particular; for if a party taken up at a time when there was no such suspension might be visited at all times, he might also when that act was suspended; and if he might be visited at all times, he might even when his trial was going on; and it was impossible to enumerate the mischiefs that might ensue if communications with the prisoner were allowed at such a period. He maintained, however, that the right to control the access to a state prisoner was one of the prerogatives of the Crown, and had always been exercised by the secretaries of state. It had been exercised before the revolution, and since the revolution, up to the 31st of the king, without objection; and that statute, he contended, did not in any way affect or alter this prerogative: for though that statute gave the magistrates a right to visit prisons, it said nothing about any communication with the prisoner. The clause, indeed, respecting the visiting justices was more explicit; but even that said not one word on the subject of communication with the prisoners. He did not mean to say that it might not be advisable or proper that on some occasions the magistrates should see and converse with the prisoners; but he did say that, with respect to state prisoners, this power was controlled by the king's prerogative. When the noble lord spoke of the difference between state prisons and the sheriff's gaol, he perfectly agreed with him; and it seemed to be admitted, that the Tower at least was a state prison, into which the magistrates had not general power to enter: but he contended, that the placing state prisoners in any gaol made that gaol a state prison: he therefore maintained that the secretary of state, in issuing regulations for the ordering of state prisons, did not dispense with the law, but follow the law. No allegation of abuses committed had he heard so much as hinted against the secretary of state. The powers he had exercised were warranted by law; and if any statement were made of wanton or excessive cruelty committed in the exercise of this power, that would afford a ground of inquiry into the conduct of the individual guilty of such excesses. But the noble lord's motion went to insist on the power of every magistrate to enter prisons at any time, and communicate with every prisoner. There was no foundation whatever for such an extensive power, and therefore he should oppose the motion.

Sir *S. Romilly* said, he had never heard a doctrine more dangerous, novel, or more destitute of all foundation, than that advanced by the learned gentleman. He thought it of little importance to inquire what was the power of the Crown, or what its prerogatives before 1791; the question now was, whether a secretary of state could, without a violation of the law, prevent the magistrates of a county from investigating the state of prisons within their jurisdiction. Whatever his learned friend might throw out, it was impossible a question of greater importance could be discussed in that House than this—whether the prerogative of the

Crown could not be taken away by an act of parliament, without express words contained in the act for that purpose. His learned friend had said, that it could not; and this was certainly true in some instances where civil rights were confirmed. The rule held good in the case of limitations, and in the case of the bankrupt laws, which did not affect the king's right of recovering his debt, and perhaps ought not; but was it ever held, that in acts of general regulation, acts which went to check abuses, and protect the rights of the subject, the power of the Crown could not be taken away by any thing short of express words? There was no doubt that the prerogative might be taken away by such acts, without any express words for the purpose. The very case had often been decided. In the great case of Magdalen College, in lord Coke's Reports, the question was, whether the statutes preventing ecclesiastical bodies from alienating their property extended to the king as well as all others, there being no express words in the statutes to that effect. Magdalen college had made a grant to queen Elizabeth; aud the point was, whether this grant, being made to the queen, was within the provisions of those statutes. The judges unanimously resolved, that the Crown was not excepted out of general statutes passed for the protection of the subject, or the redress of wrong. Now he would ask, whether the statute passed in 1791 was not a general statute passed for the protection of the subject, and the redressing of wrongs? There was no decision, no diction of any judge, no authority of any kind, to be found in any of the books, which asserted that the king was not bound by acts of general regulation. His learned friend had said the Crown could not dispense with law: but what had the secretary of state done? The act of 1791 says, that the magistrates shall visit the prisons within their respective jurisdictions; but the secretary of state gives orders to the gaoler not to open particular cells. Surely his learned friend would not say, that since the Bill of Rights the king could dispense with the laws of the realm. If the magistrates were to discharge a duty in visiting prisons to prevent the abuses of gaolers, would his learned friend say that they were not to see the prisoners in their dungeons? How could they perform this duty but by seeing and communicating with the prisoners? Could they learn or repress the abuses of the gaoler by making inquiries of the gaoler himself? It would be seen in a moment that this was the very reverse of what the legislature intended, if we only considered the circumstances that led to the framing of the act. The act was passed on the representation of improper conduct in various prisons; and he could say, that a vigilant eye ought always to be kept up towards them, because no where were abuses so likely to arise. The act was passed to remedy and prevent these abuses; and with that view the magistrates were ordered to visit the prisons and report the state of them; but to what purpose would it be to visit the prisons, unless they saw and communicated with the prisoners? Towards whom besides could abuses exist, or who else could give any information of them? His learned friend had said that when the act passed no such cases as these were in contemplation; but that was not the question it was not what was in contemplation, but what was done, and what was law. If any thing wrong had been enacted, that might be amended in a new act ;but till such new act had passed, we must take the law as we found it. As the act now stood, it was a direct forbiddal of every thing that had been done by the secretary of state, he had assumed an authority he did not possess, and had dispensed with the existing law of the realm. He (sir S. R.) should be indeed surprised if any lawyer could show him in any text books any authority for such a doctrine as that which had that night been held out by his learned friend. That doctrine would set the Crown above the whole law; it ought not to rest on the support of his learned friend alone, but, unless some authority was adduced, should be at once discarded by the House.

The *Solicitor-General* [Sir Robert Gifford] stated his concurrence in the assertion of the attorney-general, that the right of the Crown to regulate the treatment of state prisoners was not taken away by the act of 1791. The noble lord had admitted that he had found it laid down, that the gaols were the king's: would he say that this expression applied to the four walls only? It could not be so; for in many cases the prison itself was private property, and did not belong to the king. The expression must mean, that the custody of the gaols belonged to the king. His learned friend had not attempted to impugn the doctrine, that anterior to 1791 this prerogative had been exercised without opposition; and surely he would not maintain, that during his trial a prisoner might be visited and interrogated by every magistrate that chose to enter the prison. It had never been maintained that magistrates could have such a power before the act of 1791; and if they had not before, we ought to see what were the intentions of that act. It applied to penitentiary houses; and though he would not say that gaols were not included, yet the act was chiefly meant for the regulation of penitentiaries. In order to prevent abuses in the prisons, magistrates were enabled to enter; but was it intended that any magistrate should communicate when he pleased with any prisoner?

Mr. *Brougham* took upon himself to say, that there never had been a more feeble defence of any measure made by the law-officers of the Crown; and he spoke this without the slightest disrespect to his learned friends, for the fault was not in them so much as in the case they had to defend, His learned friend had assumed, that the power of inflicting solitary confinement was part of the law of England previous to 1791. However, we were not now to inquire what the law was previous to 1791; the present question was whether in the teeth of a specific statute, calling on all magistrates to visit gaols, to make inquiries into abuses, and report the state of what they saw, the king's minister had power to issue an arbitrary mandate, and say that some of the prisoners should not be visited. Without seeing them, how could the magistrates execute the duty enjoined them by the statute; or ascertain whether or no abuses really existed? At all times this check on the abuses likely to arise out of imprisonment was highly necessary; but never was it so necessary as at the present moment. One of his learned friends had insisted, that the king's prerogative was not altered without express words; and another, that by the expression of the king's gaols, as the mere walls could not be intended, the custody of the prisoners must. He was well pleased with this latter argument; for if the gaols were the king's gaols, even in this sense, to what could the act apply but to the express restraint of the king's prerogative? His learned friend who spoke last had contended, that the act was principally directed towards the regulation of penitentiaries. Certainly, penitentiaries were mentioned in the first three or four clauses, but the fifth clause ran thus: "And for the better preventing abuses in all gaols," the magistrates are to enter, to examine into the treatment and condition of the prisoners, and to report any abuses they may discover: but how are those abuses to be discovered, if the magistrates can examine no more than the four walls or the earth of the prison? It was clear, that when they were ordered to examine into the state of the prisons, they could only examine the prisoners themselves. His learned friend had, indeed, admittedthat it was possible to oust the prerogative of the Crown without express words. He (Mr. B.) maintained, that thesection in question had that effect. If it did not oust the prerogative that had been set up, the magistrates had no means of doing that which they were expressly enjoined to do by the statute. But his learned friend had made a distinction between the offences for which the prisoners might be committed, and arrogated for the Crown the exclusive disposition of one class of offenders. What statute was there for state prisoners? What book, what authority had ever mentioned the distinction in the custody of two sorts of offenders against the public peace? All prisoners were equally the prisoners of the executive; all arrested, all tried in the king's name; and it was as illegal, as untechnical, as unworthy of his learned friend's acquirements and abilities, to say that there were two sorts of custody for those who were confined on the score of higher offences, as to say that the king could personally interfere in the mode of custody adopted towards an offender of any description. Was it not as much the interest of the Crown that murders, thefts, or burglaries, should be repressed, as of any other branch of the community? and would it for a moment be contended, that the Crown could interfere in the mode of custody prescribed for such criminals? This was the first time that two lawyers had got up a distinction as utterly untenable and absurd as it was oppressive and cruel.—Much stress had been laid on the possibility of abuse under the powers granted by the act, if any magistrate should visit a prisoner and make communication during his trial. It was impossible to vest discretionary powers that might not be liable to some abuse; but if the magistrates did abuse the confidence reposed in them, they were also liable to be called to account: and if they entered a prison with improper views, might certainly be prosecuted for misconduct. No one had asserted that all magistrates had a right to enter prisons but only those belonging to the county in which the prison was situate. The same answer might be made to the objection stated, that magistrates might, under this power, examine prisoners during the course of a long trial. From a late example it seemed to be thought that a state trial must necessarily be longer than any other; but God forbid that any man, turning a shameful exception into a general maxim, should say that state trials were necessarily long —he called it a shameful exception, for to perplex innocence with a list of 260 witnesses, to add anxiety and distraction to all the difficulties of a trial on which life depended, was bad enough; but it was worse to exclude them by a long and solitary confinement, from their friends and families, to parade them backwards and forwards day after day, and keep them under every aggravation of terror and suspense, until a bungling prosecution was gone through; the whole train laid for which reflected disgrace on those who employed such means; the duration of which had degraded and vilified that which before was respected and venerated—the administration of justice: God forbid that we should argue from the duration of such a trial, to give the secretary of state a power to dispense with the laws and constitution of the country.

Lord *Castlereagh* observed, that no suggestion had been thrown out that any of the prisoners were suffering under any cruelty or hardship; no allegation had been made that there was any abusive or novel exercise of the powers vested in the secretary of state for the management of state prisoners. The only suggestion had been, that the act of 1791 had altered the general criminal law of the country; a law that had always been recognized by the most constitutional lawyers that ever sat on the bench. He spoke with great diffidence on legal questions; but he maintained, that the warrant of the secretary of state in these cases was legal and proper, and that all these arguments, from the state of the times, did not affect the question. He apprehended the power of committing for high treason was not confined to the secretary of state; any magistrate on proper grounds might do the same; and if they committed a party to close and safe custody, the gaoler was bound to obey; and he contended that there was a distinction between the custody of state prisoners and prisoners for other offences, however the learned gentleman had seemed to philosophise on the subject. Down to the year 1791 there was not one act or decision on which the complaint could be founded. The act of 1791 was the only peg on which they could hang an argument. If, however, that act gave such a power to magistrates, how came the warrant of committal not to be changed? State prisoners were committed to the Tower; and it could never be pretended that the Tower was a common gaol, or subject to the regulations of common gaols. It was a garrison, and not a gaol. The question was, whether, when the warrant committed the prisoners for safe and close custody, the magistrates were not precluded from visiting them. In this view of the question it could not be received; there was no charge against the secretary of state. It was abuses in the interior administration of prisons, and not oppressive treatment of the prisoners, that formed the subject of question. He went along with the learned gentleman in making a difference between magistrates and other individuals; but paying all deference as he did to the character of magistrates, and believing that no individuals could be more safely trusted with such power than the present magistrates, yet possessing no assurance of what magistrates might be disposed to do in future times, he could not assume that their future character would be such as to entitle the House to break down such a principle as the one in question. If the magistrates in Berkshire have been obstructed in the discharge of their duty, this House was not the proper place for complaint; the courts below should be applied to; and could it be said, that a magistrate applying there, with the assistance of the learned gentleman, would not readily obtain a decision on the subject? There let the matter be put to issue, and the question set at rest: but the House would not, in opposition to the known principles of law and justice, go out of their way to decide a question of construction. This was a question of law, and a question of law only, and the House could not, therefore, suffer it to be brought into its jurisdiction. An unfair occasion was taken by the hon. and learned gentleman,

¶

as he had often done on other occasions, to produce a false impression on the public mind, as to the late transactions in the court below. He would throw no imputation upon the fairness and justness of the decision; but were the proceedings to be called bungling, because the prisoners were acquitted? He lamented that the trials had lasted so long, but that arose from the nature of the charge extending over so many matters of evidence, and was more for the benefit of the prisoners than from any other consideration. It was not against the excellent and revered administration of justice that the hon. and learned gentleman spoke, but to impute blame to his majesty's ministers; it was one of those unfair attacks of the hon. and learned gentleman which he trusted would produce as little impression abroad as he had reason to believe it had produced in that House.

Lord *A. Hamilton* said, no one had denied that abuses might take place as to prisoners committed by the secretary of state's warrant. What then was his remedy, when such abuses were committed? The prisoner was deprived of his remedy by Habeas Corpus—by the act which was passed. If this power on the part of the magistrates was taken away, what possible remedy could he have? He might be transferred from gaol to gaol round the kingdom. It was said no abuse had been alleged. How could any abuse be alleged, if no communication with the prisoner were allowed? He hoped, if the motion were rejected, it would at least operate as a warning to the House against consenting to pass a measure which gave rise to such practices on the part of the secretary of state.

Mr. *Wynn* said, that he came down to the House without having made up his mind on the question, and wished to know what the learned gentlemen on the other side had to say on the subject. It was now his decided conviction, that the explicit words of the act could not be set aside by the alleged prerogative. He could conceive cases where vigilance should be used in admitting persons to visit prisoners; but that was not the question. If this act conferred any right, he could not see how it could be taken away but by another act. Here, where an imperious duty was cast upon magistrates, he could not see how the secretary of state could dispense with that duty, far less prohibit it. The noble lord had referred the question to a court of law. When the ministers of the Crown had given instructions inconsistent with the laws of the land, the principles of the constitution, and the rights of the subject, it was not to any court of law that the question belonged. It was one of the highest duties of this House to inquire into it. In those circumstances he considered it the duty of the House to grant the papers moved for.

Ayes........................56
Noes........................85

List of the Minority.

Abercrombie, hon. J.
Althorp, viscount
Atherley, A.
Aubrey, sir John
Burroughs, sir W.
Baillie, J. E.
Brougham, H.
Burdett, sir F.
Byng, G.
Campbell, hon. J.
Carter, John
Caulfield, hon. H.
Cochrane, lord
Coke, T. W.
Curwen, J. C.
Duncannon, visc.
Finlay, K.
Fazakerley, N.
Fergusson, sir R.
Gordon, Robt.
Guise, sir Wm.
Hamilton, lord A.
Heron, sir R.
Howorth, H.
Hughes, W. L.
Latouche, R.
Leader, W.
Macdonald, J.
Mackintosh, sir J.
Madocks, W. A.
Martin, J.
Mathew, hon. gen.
Milton, Visc.
Monck, sir C.
Moore, P.
Methuen, Paul
Newport, sir J.
North, D.
Orde, Wm.
Parnell, sir H.
Piggott, sir A.
Ponsonby, rt. hon. G.
Phillimore, Dr.
Rancliffe, lord
Romilly, sir S.
Spencer, lord R.
Sharp, R.
Smith, W.
Tavistock, marquis of
Tierney, rt. hon. G.
Walpole, hon. G.
Waldegrave, hon. W.
Wood, Matthew
Wynn, C. W.
Warre, J. A.

TELLERS.

Folkestone, visc.
Bennet, hon. H. G.

PAIRED OFF.

Birch, Jos.
Douglas, hon. F. S.
Dundas, hon. L.
Foster, F. T. H.
Grenfell, Pascoe
Ossulston, lord
Ridley, sir M. W.
Smith, J.
Webb, Edw.

BOROUGH OF HASLEMERE—PETITION OF JAMES GREENAWAY.] Sir Francis Burdett offered to present a petition from James Greenaway, the same voter for the borough of Haslemere, whose former petition had been rejected. It was framed in a different manner, and prayed no consideration of his particular case, but a revision of the law, in order to prevent fraudulent practices.

Mr. *Bankes* objected to the motion for bringing up the petition, on the ground that the individual acknowledged himself guilty of perjury. It also appeared that the matter was before a court of law, and it would be improper to bring it before the House.

Sir *F. Burdett* said, that the petition appeared to contravene no rule; nor did the petitioner state, that he had committed perjury. He stated, that a fraudulent conveyance had been made to him of property, to enable him to vote; and after he had voted, an attempt was made to take that freehold from him. He considered, that if he acquiesced in that demand, he should have been guilty of perjury. Legal proceedings had been commenced against him. Some persons might contend, that this was a breach of trust on the part of the individual. But this man asked for no interference as to the courts below, but humbly prayed, that the House would take the matter into consideration, to prevent the fraudulent exercise of the elective franchise, whereby ignorant persons like himself might be involved in ruin, or in the crime of perjury.

Lord *Cochrane* considered all those perjuries at elections, and in courts of law, as emanating from the corruption of that House. There was scarcely a contested election where those who made oath that they neither received nor expected any reward for their votes, did not know at the very time the wages of their iniquity. Unless the House wished the country to be totally demoralized, they were bound to inquire into the present complaint. He would soon bring forward specific instances of this evil, and should not have so long delayed the motion of which he had given notice, but for urgent private business.

Mr. *Long* said, he was authorized by his noble friend who was mentioned in the petition, to deny that any persecution or legal measures had been promoted by him, against the petitioner. With respect to the petition, he saw no reason for its being received by the House. The petitioner stated, that he was of a very tender conscience, and could not give up the conveyance of the property which he had sworn to be his own. But, if he mistook not, this man had not long since written to him, asking him for a sum of money, and expressing his willingness, notwithstanding the tenderness of his conscience, to give up the conveyance if he received the money. He alluded to the facility with which the hon. baronet received accusations against every person in office, and stated an illustration of it, that he had frequently received letters in his office from persons complaining of grievances, and threatening, if it was not remedied by return of post, to put the complaint in the hands of sir Francis Burdett. It would perhaps, not only relieve the House from some inconveniences, and the hon. baronet from much trouble, if he occasionally inquired as well into the character of the accusers as of the accused. If he had done so in the present instance, the petition would not have been offered to the House.

Mr. *R. Ward* said, that by a letter in the petitioner's own hand, so far back as February 1813, it appeared, that he had been in possession of his freehold in 1811, 18 months before the election. If that were so, the petitioner must have deceived the hon. baronet. The freehold was vested in him for life, upon paying a quit-rent. He was in arrears for 3 years. The prosecution was, to recover the arrears. With respect to himself, if the forms of the House would allow, he wished for nothing so much as to have an inquiry on the subject, in order to give the lie to the petition.

Mr. *W. Smith* said, it did not follow, because the noble lord knew nothing of any hardships having been practised towards this man, that none had been committed towards him by some of his agents. The main question on the petition was, whether it did not contain matter which really called for inquiry? Was not the matter, if true, vitally connected with their privileges? He should certainly vote for receiving the petition.

Mr. *Brand* said, that if Mr. Ward's statement was correct, the petition, stating a contrary fact, ought to be inquired into for that very reason. If, however, this freehold was in the petitioner's possession 18 months before the election, it was the only freehold of that kind, as he had occasion to know when that subject was before the committee, of which he was a member.

Mr. *Ward* rose to order.

Mr. *Brand* contended, he was perfectly in order, for this reason, that the hon. gentleman had asserted that the freehold had existed for a certain period; he, on the other hand, wished to state a fact that militated against that assertion, in order to show the necessity of inquiry. If therefore he was in order, he would proceed to state why he—

Mr. *Long* maintained, that if it was the practice to state such facts, it was a most inconvenient practice.

Mr. *Brand* said, this was a most singular dilemma. The committee were precluded from inquiring into the case, and the House, therefore, will not inquire into it. The committee was precluded by the laws of evidence from inquiring. The House will not inquire because the committee had not inquired. He did not wish to state what had come under his observation, since the gentlemen opposite had shown so much delicacy on that point; but to say that any thing in the petition was unfounded, while inquiry was refused, was more an argument against the noble lord than against the petitioner.

The *Speaker* said, there was a peculiarity in the petition which he thought it his duty to point out to the House. The prayer was different from the circumstances of complaint. If he went into those circumstances, he should go beyond the line of his duty, and disgust the House; but he conceived it right to say, that one part of the petition set forth a grievance as to an individual, while it concluded with praying the House to guard its own privileges. It was for the House to judge whether the subject was such as they could or ought to receive, or whether the grievance was merely an ejectment. On the one side, they were not to be misled by the generality of the prayer; nor on the other side to refuse what was fair and just.

Sir *F. Burdett* said, he could discover no good reason for the rejection of the petition but the reluctance of the House to hear disagreeable truths. If the circumstances of a petition were such as did not meet the wishes of members, a thousand objections were mustered up against it; while, on the contrary, if they were agreeable, the petition was received without any inquiry, and even against the usual forms of the House. He had no knowledge of the petitioner. He was actuated purely by a sense of public duty; and seized the present occasion, not because it was one of rare occurrence, or uncommon delinquency, but because it was one example of the prevalence of a system of seat-dealing, which he thought himself obliged, as a member of parliament, to expose to the House and to the country. His objection to lord Lonsdale's conduct referred to him not as a private individual, but as a borough-monger. He objected to his sending members to that House to vote away the public money while those whose money was thus voted away had no influence in the election. The noble earl, he understood, had little property in the district, the representation of which he thus disposed of; while his members had an unlimited power of drawing upon the purses of those who were the principal proprietors. He might not even know of the transactions which took place in his name, but it became the House to inquire and to know.—He had been accused of believing, without sufficient proof, the representations of this petitioner; but unhappily, it did not require a man to be very credulous to believe that a peer who had the power of returning a member to parliament would do so. The character of the parties was not to be taken into consideration at all. He would allow the petitioner to be as great a rascal as those who opposed his petition chose to make him; and he would contend that, on the supposition, he strengthened his ground of attack, on the system which this person was employed to carry into execution. It would appear, that he at least enjoyed the confidence of the noble earl when he received his vote; the worse therefore the agent, the worse the transaction in which he was engaged, indeed, all the branches and transactions of the borough-mongering system were equally bad; there was no conscience, no principle, no justice, truth, or right, to be found in any part of it; and this was only a fair sample of the whole of which he might say "ex uno disce omnes."

The House divided:

For receiving the Petition	11
Against it	47

List of the Minority.

Brand, hon. Thos.
Burdett, sir F.
Sharpe Robt.
Moore, Peter
Parnell, sir H.
Smith, Wm.
Wood, Matthew Lord Mayor
Hamilton, lord A.
Curwen, J. C.
Cochrane, lord
Tierney, rt. hon. G.

TELLERS.

Burdett, sir F.
Smith, Wm.

HOUSE OF LORDS.

Thursday, June 19.

HABEAS CORPUS SUSPENSION BILL.] On the motion for the third reading of this bill,

The Duke of *Bedford* said, he could not reconcile it to his sense of public duty, now that the bill had arrived at its last stage, not to deliver his solemn protest against it. He trusted their lordships would fairly and dispassionately consider the case. The committee of secrecy, acting in the nature of a grand jury, had, from whatever evidence was laid before them, drawn a bill of indictment against the whole people of England, and it was for their lordships (though unfortunately without evidence) to try the case, and pronounce a verdict of condemnation or acquittal. He was afraid he could not anticipate a verdict of acquittal, but he must say there was no evidence to support a verdict of condemnation. Where was the danger? We were now in a period of profound peace, without any foreign enemy to contend with, without any circumstances existing arising in the slightest degree from external danger; what was there then to fear? Was it from a few discontented individuals driven to despair by privation and distress; was it for this, that the liberties of the whole people of England were to be suspended? It was true he was not without fears, but he feared the power of the Crown, and not the liberty of the people; and the more particularly, because of late years measures for increasing the power of the Crown had been agreed to without hesitation, whilst those which tended to increase the privileges of the people had uniformly met with rejection. In looking to that passage of the report of the committee of secrecy, respecting spies and informers, he could not but express his astonishment that the committee should have given so much credit to statements thus supported. When he had the honour of filling the office of chief governor of Ireland, the office of the chief secretary was beset by spies and informers, who would have persuaded him that Ireland was almost in a state of rebellion; and had he listened to these tales he might have adopted measures which would have deluged half Ireland with blood. But by pursuing a conduct firm, moderate, and temperate, he put down the tendency to outrage, which had displayed itself, and delivered over Ireland to his successor in the government in a perfect state of tranquillity. By listening to spies and informers, the government here would be led on to measures totally destructive of the liberties of the people. It was utterly impossible that the constitution could stand, if the government were to be carried on upon such a system, and it was with the deepest regret and the greatest alarm, that he had heard the employment of spies avowed and justified by his majesty's ministers. If this were to be the system, the noble secretary of state had better go over to Paris and take lessons from M. de Cazes, or some other celebrated superintendent of police. Such a system of *espionage* (he used the French word, because, and he rejoiced at it, there was no adequate word in the English language to express the same meaning), was utterly inconsistent with the free constitution of Britain. No argument had been urged in favour of this measure (excepting the ground of humanity stated by a noble duke) save that of necessity, which had been in all ages the tyrant's plea. Necessity had invariably been urged by Buonaparté as an excuse for every measure of tyranny he had imposed upon the people. The same argument had been used for the same purpose by the government that preceded him, the Directory, and in the same way by the power immediately preceding that by the tyrant Robespierre, when it was urged at the bar of the convention, that the law ought to be suspended in order to save the country. With regard to one part of the report of the committee, that respecting blasphemous publications, there was no greater enemy than himself to such kind of publications, but he must remind the noble secretary of state, that at all periods of political agitation, there had been parodies circulated of parts of the church service which, though they could not be defended, yet proved that this offence was not now committed for the first time, and, therefore, that they ought not to be designated in the terms in which they were. One circumstance connected with one of these productions he felt it his duty to state, it was a parody upon the creed, which had been sent from Norwich to the secretary of state's office. It was written 24 years ago by a person then a jacobin and a leveller, but who had since become a supporter of the government, and who had this parody, written formerly by himself, reprinted at an obscure ministerial bookseller's at Norwich, and then sent it to the secretary of state's office, as a proof of the seditious and blasphemous spirit that prevailed at Norwich. This statement he had from an authority which he believed could not be questioned. Upon the whole view of the question, though yielding to no man in loyalty to his sovereign, or respect for the constitution, he did not think that any ground was laid for the present measure, and therefore he felt it his duty to vote against the bill.

The Earl of *Westmoreland* said, it was admitted on all hands that there might be circumstances under which it would be proper to resort to this measure; and some of the noble lords opposite who had spoken against the bill, must allow that there had been times when the measure was necessary. Then, the short question was, is this a proper time for the suspension? It had been objected to this proceeding, that the act would be in existence at a time when parliament would be prorogued, or perhaps dissolved: but it appeared to him only the more necessary, that the power should exist at that period, because, in case a particular emergency should arise, government could not immediately apply to parliament for assistance. Then it had been objected that a period of peace was a very improper time for such a measure: but whether the time was a time of war or of peace was not the question. The question was, whether the exigency existed? But he thought that the reason for such a measure might be stronger in time of peace than in time of war, because in time of peace the country was in a great measure disarmed. But the question was, whether the exigency existed? Now, there could be no question that conspiracies and plots against the government had been and were still carried on to an extent sufficient to excite alarm for the public safety in the minds of all, except in the firm and tranquil minds of the noble lords opposite: this was the conclusion come to by two committees of their lordships. It might be asked, why the duration of the suspension had not been at first continued for a longer period? The answer was, that ministers were anxious that these powers should not continue longer than parliament and the country might think them necessary. Then it had been said, that the suspension might be allowed to expire, and that if a particular emergency arose, government migh call the parliament together, and procure a renewal of those powers. But if that were done, then it would be objected, that ministers had not thought proper to apply for the renewal in a full parliament, but had suffered the suspension to expire that they might get it renewed by a few of their own friends. The noble duke had asserted that the employment of spies was unconstitutional. That was rather an extraordinary assertion, when it was considered that the secretary of state was called upon to swear that part of the secret service money would be employed by him in detecting conspiracies at home. But the fact was, that such agents had always been employed by government, and that it was impossible to detect conspiracies of this nature without them.

The Earl of *Donoughmore* observed, that the noble earl who had just sat down had said he could answer for the majority of parliament, which, perhaps, he might do; but, as to the people, he was not only convinced the majority of them were not with the ministers in the measures they were now pursuing; but he was satisfied the statement to this effect would excite amongst the people a feeling of indignation, he had almost said though he rather believed it would excite a feeling of a very different kind. It seemed, however, from what had been said by the noble earl, that spies and informers were associated with ministers that they were to be treated with respect; that such men as Castles or Oliver (of whom they had heard something on a former night), or a man who had procured several Irishmen for a rebellion in which he had participated, being himself first a rebel, and then an informer, were all to be treated with respect, and considered as gentlemen. No one could hear what had been said by a noble duke without attaching great importance to what had been said. The noble earl who followed him, had endeavoured to pick holes in that speech, but he had shaken no material part of it. The noble duke had given evidence to them, and most material evidence. He had stated what he himself had done in the government of a country which certainly was not one of the least difficult to govern well, as the noble earl well knew. But certainly the noble earl did not find Ireland in a state so disturbed as it was found by the noble duke, nor did he leave it so quiet as the noble duke left it. The noble duke had stated what he had found the best mode of governing the Irish, and which would also be found the best mode of governing British subjects—conciliation. The circumstances under which they were called on to re-enact the law which had given such power to the ministers, were such, that no man who was at all in the habit of addressing the House should give a silent vote. If he had been in the House when the former measure was proposed, he should have said that the ministers had not made out a case. Majorities of the two Houses had, however, been of a different opinion; the liberties of the people of England had been delivered up to the ministers, and were still in their possession. They had the advantage also of a sitting parliament, and there had been no resistance from any quarter. If any plot had been in existence, there had been time for it to be matured and brought to light. Several arrests had taken place, and they had of course selected for trial the strongest and best case they had. They placed their character as wise ministers, on this issue. This one great case which they selected to vindicate their character and conduct, was brought before a public tribunal, in the manner most satisfactory to British feelings, by a regular trial before the great court of criminal justice. There was a patient trial, and he took it for granted an impartial jury. They knew how that had ended; in contempt, and in so complete a failure, that though three persons remained to be tried, round whose necks the ministers thought they had securely fastened the halter, the prosecution against them was abandoned by the Crown lawyers. The ministers had declared by their committee that there was an absolute necessity for the measure. If they had made this as a distinct proposition, and taken on themselves the responsibility, some weight would be attached to their declaration. But they had chosen to make the House a party in the responsibility by stating the grounds and the facts upon which they proceeded. And upon the showing of the ministers themselves—upon their own statement communicated through the report—he had no difficulty in coming to a conclusion directly contrary to theirs. Here the noble earl read nearly the whole of the report, and argued that there was nothing in it which could warrant their lordships in passing the bill now before them.

The Earl of *Limerick* rose to reply to some allusions which had been made by the noble earl who spoke last to the character of Mr. Reynolds. He would say, without fear of contradiction, that in a time of great danger and alarm, the individual in question had rendered important services to his country. This individual had originally a considerable fortune, and was connected with respectable society; but having wasted his property, and left his former friends, he had fallen into the company of conspirators and traitors. Being a man of family and carrying along with him some of the influence of his former situation in life, he was received with open arms and admitted to high confidence; but he soon found that his new society were intent on dangerous projects, and had formed designs to involve his country in anarchy, massacre, and blood; that they intended to overturn the laws and government, and to effect a separation of the two kingdoms. He, therefore, reflected on the atrocity of these plans, and determined to retrace his steps. The first time he showed his intention to repent was after a dinner where he had been with some of his associates; in going from which he stated to a friend the desperate achievements that were in contemplation. He told them that he knew the persons engaged in them, and would discover their transactions, provided certain individuals were saved from punishment; and this man laid open the whole plan to government without fee or reward, or the prospect of fee or reward, upon the simple stipulation of safety for some of his friends. The bloody conspiracy which he disclosed was thus prevented, by his means, and yet this man was now declared a spy and an informer, and held up to infamy. This, however, was not the only conspiracy that he detected, or the only service he rendered to his country. The noble person who was then secretary for Ireland thought so highly of his services, that he appointed him inspector of packets at Lisbon, where he was serviceable to government. What was now his crime? Was it that, being once wrong, he had amended and made every reparation in his power; or was it that he was returned a juryman in the jury summoned for the late trial, which it was feared might have terminated differently with a different jury? The noble lord concluded by saying, that he would support the motion before the House.

The Earl of *Essex* said, he knew nothing of the case of Mr. Reynolds, but he apprehended there was a vast difference between men who acted as spies (revolting to the feelings as that occupation was) and such men as Oliver, who incited their victims to commit the crimes for which they informed against them. That horrid monster, for instance, had endeavoured to engage the wife of a man to induce him by her persuasion to go to a meeting, his presence at which would have involved him in destruction. The employment of these men had the effect of encouraging crimes, not of preventing them. It now became the duty of the House to watch over the rights of the people, which were day after day diminished. This new encroachment on them was in his opinion unnecessary, and he thought it the more unnecessary from the nature of the men engaged in the alleged treasons; men of no sort of property, or commanding talents or influence of any kind.

The Marquis *Camden* stated, that Mr. Reynolds had given important information to the Irish government of a plot in agitation. He had communicated it to a friend, so as to give intelligence enough to frustrate the plot without personally appearing, and it was not till he was arrested that he was induced to give direct evidence. He had then given testimony in a manner which was not to be contradicted, and on that evidence two or three traitors had been convicted, who afterwards acknowledged their crimes. He gave his hearty assent to the measure under discussion.

Lord *Sidmouth* said, that of the two persons mentioned, Castles and Oliver, as spies and informers, Castles was not a spy. He had never given information to government till five weeks after the 2d of December. Oliver was employed by government to avert imminent danger. The noble earl had founded his remarks on the statement in a news paper. That statement, he believed, was incorrect, in many material points.

Lord *St. John* said, he must enter his solemn protest against a measure which he considered to be as unnecessary, as it was destructive of the first principles of the constitution. What was the nature of the alleged conspiracies? They had seen a proof in the trials which had recently occurred; and he really wondered that the law officers of the Crown were not ashamed to offer such a case, accompanied with so much solemnity, to the attention and good sense of a jury. When he remembered the issue of that prosecution, he should have thought the noble viscount, feeling impressed with a consciousness of his rashness, would have come down clothed in sackcloth and ashes, and humbled himself before the legislature, instead of persisting in his original error. With regard to the present act, as compared with the former one, he would wish to impress one fact upon their lordships attention. It was unlimited in its extent and duration, not being intended to expire till six weeks after the next meeting of parliament. Now, in whose hands was the control exercised over the assembling of parliament? In the hands of the ministers themselves; and who, therefore, could keep the law in operation as long as they thought it expedient. The noble lord here entered into an examination of all the different occasions, when the Habeas Corpus act was suspended since the Revolution, and contended that there was no parity between them and the present. It was impossible to look at the current of events during the last two or three years, without fixing upon the administration of the country, and especially upon the noble viscount, the responsibility of many of the distresses and discontents which prevail. No one thing had been done to conciliate the public mind; no disposition had been manifested to listen to the complaints of the people. Petitions, when presented, had been carelessly thrown aside; and no steps taken towards conceding the objects of their prayer. It was impossible that such a course of proceedings should not increase the general irritation. He would rather advise the adoption of a different course of policy, instead of going on with that system of coercion. On those grounds, he should give his vote against the third reading of the bill.

Lord *Somers* could not allow, because there was a character of absurdity belonging to the late conspiracies, that therefore their consequences were not to be feared. Had not the result of those plots been an insurrection, only short of rebellion, in consequence of the vigilance of government? There were sufficient grounds, in his judgment, to call for such a measure as the present. There was the report of the first committee, which contained ample reasons for the bill then brought in. They had now the report of another committee, and which report he thought, was highly honourable to that committee. Called upon, as they were, to investigate matters of such consequence and finding adequate evidence to induce them to recommend the re-adoption of the former measure, they at the same time, candidly admitted that the government had been obliged, as all governments were, to employ persons for the purpose of discovering the machinations of the conspirators. And after all, what was the proposed suspension? Only for a short time.

But the noble lord who spoke last, said that the calling of parliament together depended merely upon the will of ministers, and that therefore the duration of the law would be as long as they thought proper. Good God! could such an argument be seriously urged? It might depend upon the will of ministers whether parliament should be called a week or two sooner or later, but beyond that, what power had they? Could ministers do without the parliament for any length of time. He really never heard so weak an argument. How far could a suspension of the Habeas Corpus act be called a suspension of the constitution? He had heard it said, that if the law passed, there would be an end of the constitution, and the liberties of every man in the kingdom would be at the mercy of ministers. Was that the fact? He firmly believed that the suspension was not, in the slightest degree, liable to produce the deprivation of liberty to any subject in this country, which ought to be preserved, or could be preserved, without prejudice to the general liberty of all. The noble lord who preceded him, had talked about conciliating the people. Conciliation, as far as it was just and proper, he should be ready to adopt. But he would not humour the people by granting whatever they might be instigated to ask. Let every thing be done, that could be done, and let the people see, that so much was done; but go no farther. Their lordships ought not to forget the lessons of experience on this subject. From one step they would be led on to another, till they accomplished the final destruction of the established constitution. We had at present a good one, and for the preservation of it he thought it was not going too far, under the existing circumstances, to vote for a few months the suspension of the Habeas Corpus act.

The Marquis *Wellesley* said, he had not the vanity to think that he could by any flattery perplex the understanding, or change the opinion of the noble lord who had last spoken; although, from an early acquaintance with him, he entertained a sincere respect for his talents, and his integrity. But he would not describe the people of England as the noble lord had described them; nor would he believe that it was in the power of any man, however excellent his character or great his talents, to flatter them either into an abandonment of their rights, or a belief that that was a right which was not so substantially. The noble lord had evidently referred to something which had been somewhere said on the subject of parliamentary reform; but he would at least do him the justice to acknowledge, that he had been always adverse to any change in the constitution of the other House of parliament. On the first day of the present session he had described the new principles of reform, and the doctrine of universal suffrage, as a gross delusion, which it had been endeavoured unsuccessfully to practise upon a people for whose understandings he had too high a respect to suppose them capable of yielding to it. Whenever such principles should gain an ascendancy, revolution would not be merely commenced, it would be completed, and an end be put to all the subsisting forms of our mixed government. He repelled, therefore, as well for the noble lords behind him as for himself, the insinuation that they had humoured the people at public meetings with such notions, or had deluded them with these idle theories.—It was in the present stage of this awful question that he desired to state his sentiments respecting it. The House now came to the discussion of it, with some distinct information as to the precise nature and character of the dangers; and it had also, to a certain extent, a clear view of the operation of the suspension bill upon that danger. In discussing this great subject, he should first consider the real nature or character of the danger, or mischief as it was sometimes called, and whether it might or might not be prevented or corrected by the existing laws, including among those laws the recent act regarding seditious assemblies; secondly, he should inquire whether that danger, and that peculiar system of mischief, could be met by any thing so well as the existing laws; thirdly, whether this extraordinary measure had not practically aggravated the danger and mischief it was intended to correct; and lastly, whether this suspension of the Habeas Corpus must not inevitably produce the dangerous and mischievous effects it was intended to correct. In treating of the first point, he felt called upon to set right some misrepresentations of the arguments of his noble friends. It had been stated, that they had argued against the suspension bill, because the situation of the country was not now exactly the same as in 1745, or at any other period when this expedient had been adopted. In fact, the turn of their argument had been directly the reverse: they insisted only that a case should be shown requiring the infringement of the constitution; to which only a sort of general answer had been made, "will you say that whenever the Habeas Corpus act is suspended the constitution is destroyed?" No noble lord who had resisted the bill had so said; but they had followed up their demand for reasons in favour of the measure, by showing that none of those existing at previous times applied to the present circumstances of the country. They had maintained that the known precedents had no bearing upon the question—no reference to the existing state of things; and they insisted, therefore, that some other ground should be laid for conferring these extraordinary powers. Entering a little farther into the point of the real nature and character of the danger, it was admitted on all hands, that the principles applying to cases of internal rebellion, fostered by external enemies, had no reference to this case: it was not even shown that any domestic conspiracy had been levelled at the regal power of the king, or at what the law construed into an attack upon it, or into a purpose of dethroning him. What adverse foreign power now fomented discontent? Or where could ministers point out general or even particular combinations to overthrow the government and destroy the authority of the sovereign? Stripped of all those circumstances, the case was different from any other known in our history. The noble lord opposite had even gone a great deal farther; for he had admitted that, from the conspiracy recently so much the subject of conversation, he had not apprehended any immediate danger to the constitution: but he, and those who supported him, added, that such practices ought not to be allowed to pass without check or punishment; for if they were allowed, they might lead to others of a more serious and fearful description. If, therefore, it were urged to-night that the constitution had been endangered by that conspiracy, it would be said for the first time, and it would be in direct opposition to what had hitherto appeared and been allowed on all sides of the question. He did not mean to deny, on the contrary it was a part of his argument, that these practices were all contrary to law; they were all certainly dangerous, and required the visitation of punishment; but what he contended was, that without this bill they were all within the grasp of the law; and farther, that as far as the designs had appeared in act, as far as any attempt had been made by the ill-disposed, they had been checked and repelled by the ordinary law: where the offence had been moderately interpreted and regularly prosecuted, the parties had indeed suffered the sentence of the law. Far was it from his intention to state, that because the persons engaged in these offences were of mean birth, and generally of low education; because their means were completely inefficient for the end, they were not criminal, and ought not to be watched by government with a vigilant eye; and even be made to feel the consequences of their crime. But here were no circumstances to excite alarm; no foreign enemy to encourage; no secret intriguers to foment: no persons of rank, education, or talents, to lead and to support. Then arose the question, did these conspiracies derive support from any circumstance? Were they aided and abetted by any great mass of the population, or was the plot so constructed and combined as to make what would otherwise be ridiculous and contemptible, serious and formidable? Assuredly not. Had any thing more absurd been heard of in the history of absurdities than the scheme recently disclosed? He protested that, had he not seen the testimony upon oath, he could never have imagined that such a project could have entered into the head of the most frantic Bacchanalian. Let us see how it was compounded and conducted. The plan was to seize on the metropolis at all its great points; to storm the Tower, to take the Bank, to burn the barracks, to conquer the military, to overthrow the old and to establish a new government: and how was all this to be accomplished? The exchequer of these rebels, or to speak more accurately, their military chest, contained 31*l.*; their arsenal was filled with six pistols and one old gun; their magazine consisted of about half a dozen bullets in a blue stocking, with a stock of powder in proportion, and that not put into the waggon by a conspirator, but by an informer; and, as the design was to employ combustibles, care was taken that they should only have a deadly operation by stench. The soldiers in the barracks were not to be burnt or blown up, but to be stifled. They were to make themselves masters of the Bank in a singular manner; by the abuse of an instrument that ought to be applied to better purposes—wine bottles, which they were to plunder from the hospitable citizens; and having employed these bottles in the attack, they were to employ them again in the defence of the Bank. For the assault upon the Tower a notable expedient was hit upon, quite of a piece with all the rest, and certainly not very flattering to the female part of the population; for the forlorn hope was to consist of a number of white robed virgins; but they unluckily found that the metropolis would not furnish them with a number adequate to the enterprise. They succeeded, however, in producing a dreadful riot, and, as white-robed virgins were not very plentiful, they supplied their places with a few drunken old women, who issuing from the tipling-houses of the Minories, discharged vollies upon the military, which I will rather leave to your lordships imagination than attempt to describe [Hear, and laughter]. Such being the plan, I will not fatigue the House by detailing the absurdities of the execution; the conclusion, however, was, that one grand division of the army of the rebels was routed by a single trooper, and the remainder received a total defeat, with the loss of baggage, artillery, ammunition, and stores, by the valour of a single alderman [Continued cheers]. Do I exaggerate? Why, I say that this was more ludicrous than any project ever invented as a burlesque and a satire upon the most absurd of mankind. I confess, the examinations of the witnesses to substantiate it were to me a source of the highest amusement: the plan, execution, and defeat, are parallel only to each other, all equally laughable; the civil, much less the military power, had nothing to do with this signal discomfiture: it was not only *sedente et cunctante*, but *dormiente consule*. Even the ordinary vigour of the law was not required for its suppression.—The noble marquis then went on to inquire how far a vigour beyond the law, as it had been termed, was necessary for the punishment of the offenders in these disturbances; but proceeding a step farther, to other persons charged with conspiracies in other places, he begged to know what there was in the existing law to prevent ministers effecting all they wished? Could they not arrest and confine, and thus avert the apprehended mischief; and when the conspirators were brought to trial, had not the old enactments been found competent to all the purposes of justice? Although the individuals engaged in the late disorders in the metropolis had been acquitted, did not their arrest, imprisonment, and trial, with the publication of the evidence afford a lesson to the people of England of moderation and loyalty, more instructive than all the inflictions the wisest ministers might be empowered by act of parliament to impose? By the late proceeding the people of England would first observe the glorious triumph of British justice, as well as the manly fortitude with which the prisoners bore up against prejudice and calumny; but, above all, they would learn that which would make the deepest impression, viz. the dreadful arts by which these unfortunate men were led on to their last excesses. Seditiously inclined they certainly had been, in the first instance, if no higher crime could be imputed; and the lower classes, by the perusal of the evidence, would be taught the danger of taking counsel against the peace and safety of their fellow-citizens, and against the legal and constitutional authorities of the realm. It would instruct them to beware how they allowed men with dubious professions to approach them, and to instil into their ears the poison of sedition or rebellion; it would teach them the truth of the maxim of a great orator, "justa causa nunquam esse potest contra patriam arma capere." With these important truths impressed upon the hearts of the people, it might indeed be said, that public order and happiness would be established on a rock which the efforts of a world could never shake, and which the petty fortifications ministers were now erecting could neither strengthen nor defend.—These considerations now brought him to another part of the subject—how far these great and unnecessary powers actually instigated to crime, and aggravated the evil they were designed to remedy. The report of the secret committee admitted this fact; for it was there said, that in some instances the operations of persons who gave information tended to encourage proceedings they were appointed to detect. With regard to the seditious meetings bill, he did not deny that it was a proper and a useful measure: it had produced a salutary effect: but exactly the contrary was the fact with regard to the suspension bill: it had not only augmented the evil, but, as he was prepared to prove, that augmentation had been a necessary consequence. The noble lord opposite had denied any connexion with the informer Castle; but nobody had charged it: all that was asserted was, that the manner in which he had conducted himself showed, demonstratively, that his object, from the beginning was, to be a spy and a betrayer. The remark would more strongly apply to Oliver, who, being an accredited agent of government, actually suggested one of the most violent outrages committed in the course of the disturbances.—With regard to the general question respecting the employment of informers, no person had contended that their evidence as accomplices might not be sometimes necessary; it might become a positive duty on the part of ministers to receive it; but at best it was an odious duty, and such testimony ought always to be received with caution: it was a bad foundation for a proceeding in a court of justice; but as a reason for a legislative enactment, there was no epithet of absurdity that it did not deserve. One noble lord had asked, did not the free states of antiquity resort to informers? but, upon reconsideration, he must be aware that the question was at least put rather carelessly; since every person acquainted with history would admit, that if there were one point more than another in which the institutions of those states merited the terms odious and detestable, it was in the administration of criminal justice, and above all, in state trials. The death of Socrates was surely not to be recommended to this country as a precedent of justice and impartiality, or of the purity of the courts of Athens. The argument of the noble lords who opposed the measure was not against the use of informers, but against the abuse of them; for whether in ethics their encouragement could or could not be justified, it was quite clear that they had always been the most odious instruments of the most odious tyrannies. When once their employment became so rife as at the present moment, it was to be viewed with the utmost jealousy; and, as it had been sometimes said that the people ruled their rulers, it might not long hence be asserted that informers governed the government.—The great argument for the suspension was, that it was a measure of preventive justice; but how could it deserve that character, when, by its authority, persons were dispatched through the country, not to check, but to promote—not to control, but to instigate and inflame—not to diminish the growth of crime, but to cultivate and cherish it; to bring it to its utmost height and perfection, and to afford ministers an abundant crop of justice and punishment? Such a state of things would alter the whole course of our judicial proceedings. Surely it was one of the gravest objections that could be urged against the measure, that the effect of it was to produce a horde of unprincipled informers, who were interested in raising the crime to the law, instead of adapting the law to the crime. No greater calamity than such a state of things could be contemplated. When a man was arrested, imprisoned, and denied the possibility of clearing his character, and liberating his person by the verdict of a jury, and when all his countrymen saw that such might be their fate at no distant period, was it not giving to the people a real motive for discontent, and an excuse for disorder? The only advantage ministers gained was, that they need not bring their prisoners to trial; but in what way could this be beneficial? Did it not, on the contrary, create an unnatural ardour in the public mind, which engendered the reptiles whose purpose was to ensnare the innocent and inflame the guilty? Upon every ground on which he could consider the subject, he felt it his duty to give the present motion his direct negative.

The Earl of *Harrowby* maintained, that from the result of the late trials, it could only be concluded, that the persons accused were legally acquitted; but it could not be concluded, that ministers would have been justifiable, if they had declined sending their case to trial. The dangers resulting from the combination of uneducated persons, could not be disregarded by any one acquainted with ancient or modern history. The successful revolts of such people in ancient Greece, must be familiar to the minds of their lordships; and it was notorious to all, that the taking of the Bastile, in France, was accomplished by persons of that description. He might also allude to the case of Despard in this country, and he would ask, could there be a plan more absurd than the one he formed, yet, happily, he was baffled. It was useless then to argue of plans being absurd, or of their being conducted by the lowest classes in society. He was persuaded the committee had done no more than its duty in recommending the further continuation of the suspension, for he firmly believed that much quiet had been introduced into the country since the passing of this act, which would not otherwise have taken place. Alluding to the insurrection in

Leeds, it had, his lordship observed, been said that Oliver had been the cause of that insurrection. Now, he begged leave most earnestly to protest against such a doctrine, for the fact was, that government knew every fact connected with this conspiracy before Oliver was on the spot. He could not concur in the reproaches thrown out on spies, for he was of opinion that they were more or less necessary in every free country. As to the measure itself, he was persuaded it never would have been brought forward, had not government felt themselves called upon to do so from the most urgent necessity. Ministers had no cause to be charged with extending their powers; on the contrary, they ought, as he conceived, rather to be praised for their forbearance. It had been said that they had done nothing, and that when the people asked for bread they gave them a stone. Now such was not the case, for his majesty's ministers had only done what they conceived to be essential to the good of the country. To go no further than the poor laws, he would ask, did not their conduct on this show they were actuated by no other desire than that of adopting whatever measures should in the wisdom of parliament seem proper. They had done more, for they had made every possible reduction which in consistency with the public safety could be made. He concluded by giving his cordial support to the measure, from a conviction that it was essential to the liberties, and even the salvation of the country.

Lord *Holland* said, that the present question before their lordships was simply this, what is the nature of the danger you dread, and what is the remedy you propose for such a danger? Much allusion had been made to the French Revolution, and, indeed, that important event seemed to have got such hold of the minds of some, that looking back to what had occurred, or forward to what might happen, they could think of nothing else. All he wanted to know was, whether the proposed remedy would do that good which was expected to flow from it? He would not particularly allude to the year 1794 as a precedent, because then the country was at war, and besides the conspiracy, if a conspiracy then existed, was connected with France, and supported by it. But surely such was not the case now, for in the very report on their lordships table, it was candidly admitted, that the great body of the people were loyal to their sovereign and the constitution. He was glad to see this admission, but it still confirmed the truth of what a noble friend of his had said, that while a few only were indicted, the whole body of the people were punished. To be liable to punishment, was in itself a truly serious evil; and this bill was in itself the greatest violation of the rights and privileges of Englishmen that could possibly take place. He utterly condemned the system of *espionage* which the noble viscount was bringing in. For the measure now proposed, not a single case had been made out. Allusions had been made to humouring the people; in reply to which he would state, that neither his friends nor himself had ever attempted to humour them, by sanctioning the wild and delusive doctrine of universal suffrage and annual parliaments. The truth was, that he who held out such miserable and impracticable theories to the people was their worst enemy. But certainly it became every friend of mankind to resist this measure, which was in truth an abolition of public liberty totally uncalled for. Plots never would be wanting to furnish a pretext for the suspension of this act, which, as the bulwark of liberty was to British hearts, dearer than life itself. He had never said, there was no danger; but he had contended, that the remedy was by no means suited to the disease, and could not produce the slightest possible good. The privilege of the Habeas Corpus seemed to be considered as a fine figure in a cavalcade on a holiday; but when the state was in the slightest danger, it was carefully locked up in a chest of drawers. The more frequently this privilege was suspended, the weaker our constitution became. He protested, in the strongest manner, against the grounds on which the bill was said to rest. The suspension had never before taken place on such flimsy pretexts, and he was persuaded that it would lead to the worst consequences.

The *Lord Chancellor* gave every credit to those who opposed the bill for their love of the constitution, although he thought their opposition altogether unfounded. He was not so absurd as to support the suspension of the Habeas Corpus, because there were many individuals who wished for annual parliaments and universal suffrage, and many others who preferred a republic to a monarchy. There were other and very different grounds for the measure. While he allowed to the noble baron who had just spoken, that the constitution recognized the writ of Habeas Corpus, as essential to the complete system of our liberties, it also recognised the principle, that we must be content now and then to sacrifice the temporary enjoyment of its benefits, in order to enjoy them for a more durable period. The circumstance of the frequent suspension of the act was a proof of the recognition by parliament of the principle; and if he had not made a false estimate of the present dangers of the country, they were much greater than at any of the periods at which the suspension had hitherto taken place. Adverting to the observations which had been made on the late trials, and on spies, accomplices and informers, he observed, that long before he had heard the name of Castles, he had stated to his colleagues, that he considered the transactions which followed the meeting at Spa-fields to be, in point of law, high treason. With respect to spies, he allowed that they were liable to all the epithets which had been bestowed on them; but he maintained that government, when they knew of the existence of a plot in the country, were bound to employ such persons for the purpose of detecting and defeating it. It was quite a different thing to stimulate such an individual to go any farther. With respect to the person in Yorkshire, respecting whom so much had been said, their lordships would do well to suspend their judgment until the proper time should come for his noble friend to explain the circumstances of the case, and to remember that the authority of a country newspaper on the subject was very bad authority indeed.

The House divided:

Contents—present 73
Proxies............................... 68
—141
Non-contents—present 20
Proxies............................... 17
—37

Majority for the third reading...104

HOUSE OF COMMONS.

Thursday, June 19.

Copy Right Bill.] Sir *Egerton Brydges*, in rising, pursuant to his notice, to move for leave to bring in a bill to amend the Copy Right Act passed in the 54th George 3rd, said, that he was aware that in this attempt he had a powerful and widely extended body to contend with. He should give as brief as possible a history of the origin and progress of the copy right acts. The stationers company who were incorporated by charter in 1556, had from that date kept books, in which the publisher entered the copy of which he had embarked in the publication, for the mutual convenience of establishing among themselves evidence of title, either by purchase or pre-occupancy. In addition to this protection, booksellers and authors often sought the authority of the royal privilege; which last, for fear of infringing on the statute against monopolies was not accustomed to extend beyond 14 years. The first legislative protection was a parliamentary ordinance of 1643 by which all persons were strictly forbid, under certain penalties, to interfere with the copy rights of others, when an entry had been made of the title of the prior claimant in the stationer's book. For this protection, it is material to observe, no price or condition was required. No copies of books, so protected, were required to be delivered to any bodies; but the unquestioned property of an author in his works; or of a publisher who had been the first occupant in such copies as no author had a claim to, was recognized as the admitted law; and as such, better secured by this parliamentary measure.—In this state things remained till after the Restoration. In 1662 was passed the Licensing act, with a view to suppress seditious writings, and indeed to destroy the liberty of the press. That act contained numerous clauses, and prohibited any publication without a licence first obtained either from the ministers of state, or the vice-chancellors of the universities of Oxford and Cambridge. Another clause orders three copies of every publication to be delivered, one to the king's library, and two to Oxford and Cambridge, apparently to furnish a certain access to those books by those by whom the licences had been granted; so that any deviation from the licence might come within their immediate cognizance. This act, by way, I presume, of rendering it somewhat less unpalatable to authors, contained a clause to protect copy right, borrowed from the parliamentary ordinance of 1643. It was renewed three or four times, but was suffered to expire about 1692. From that time publishers had no legal penalties to protect them from piracies; which thence became so frequent as to endanger their best property. They accordingly petitioned for and obtained the celebrated copy right act of queen Anne in 1710. The terms of that act, as understood by the parties, and as always construed till the decision of the King's-bench in 1812, were, that they who chose to obtain the protection given to copy-right by its provisions, must enter the title of their work in the stationers books; and at the time of such, and before publication, deliver to Stationers'-hall nine copies to be distributed to the King's library, Oxford and Cambridge, Sion college, the four Scotch universities, and the Advocates university at Edinburgh. As the bill had been originally brought into the House of Commons, three copies only to the same bodies as were entitled to them under the licensing act of Charles 2nd were required to be delivered. The protecting clause had been copied nearly from that act; and this last clause was apparently derived from the same model. But see the danger of whetting the appetites of these public establishments! In the passage of the bill through the Commons, two more copies were added to the Edinburgh university and Sion college. The Scotch peers were not unwilling to improve upon this spoil. In the Lords, four more copies were added for Scotland, making the total nine copies. Since the Union with Ireland, two more have been added for that kingdom! It was soon found, that notwithstanding this price to be paid, the security afforded by the act was very imperfect. In 1735 a bill to render it more effectual was carried through the Commons, but lost in the Lords. Publishers then gradually withdrew from the custom of making entries of their books at Stationers'-hall. The universities, disappointed of their prey, grumbled and grew savage, and made several ingenious efforts to secure their spoils. At length, in 1811, Mr. Professor Christian persuaded the university of Cambridge that the true construction of the act required a delivery of the eleven copies, whether the entry was made or not, and the court of King's-bench confirmed this construction. The booksellers now appealed to the legislature to amend an act so imperfectly drawn; and which would henceforth operate as such an alarming burthen on them. In the progress of the bill brought in on this occasion in 1814, the universities exerted all their powerful and widely ramified interest to rivet, not to loosen, the chains: to add to their new got spoils, farther acquisitions never pretended even by them to be within the contemplation of the act —and to give nothing but that which was to come from others, and not from them. They were too successful. The amended act is an highly aggravated grievance—and sir Egerton said, he felt it his duty, notwithstanding his strong sense of the power of the bodies with whom he had to contend, to attempt to alleviate this great injustice. It had been contended, that the payment of these eleven copies was no burthen. Why, in 22 months, they amounted to 2,100 articles, and the prices of those only where prices could be ascertained, came to upwards of 8662*l*. Nearly one-third of this sum came from books of prices above 20*s*. consisting of only 163 articles, of which books the average impression could not reach 250 copies. Taking this at 4¾ per cent., will it be argued that this burthen is light? Will it be doubted that it is a tax equal to half the profits, taking the whole profits at 9½ per cent.—It had been said, that it was no more than the paper; but will the pressman work for nothing? Is there no wear of type—no waste of ink, &c.? Then if the cost is admitted, it is pleaded, that these eleven copies would scarcely be sold: and why not as well remain in public libraries, as in booksellers warehouses? But it is in this accumulation of his warehouse, that a bookseller's capital is saved. At due intervals, he turns out these heaps at a trade price, at least far above the price of waste paper! Yet even the waste paper value of these eleven copies in a course of years would amount to most serious sums. But this is far from being the greatest part of the grievance. The placing eleven copies in these libraries takes out of the market a proportionate number of purchasers for the stock that remains. It would not be too much to assert, that every one of the eleven copies so deposited takes out at least nine purchasers, so that at least 100 purchasers are thus withdrawn for every expensive work. In this way sir Egerton contended, that the act of 1814 operated as an extinguisher upon the publication of some of the most valuable. He instanced in a proposed work of Nondescript Plants of South America, by baron Humboldt, which had been thus crushed. He also complained that the late act subjected publishers to a claim for copies of reprints of old books of a date prior to the act of queen Anne, which he complained to have been so worded, as if almost to catch them by stealth; and never to have been within the contemplation or even suspicion of the original framers of the act. He then asked, upon what principle those demands of the public bodies for the payment to them of so grievous impost stood? Had authors and publishers, or had they not, a title to this property? If they had, the state were bound to protect that right, as far as any provisions could be devised to protect it. They were bound to do it without conditions—without a tax, except such as all other property was liable to. What! to put an income tax on them—and for the benefit of the partial interests of a few public libraries, when an income tax, even for the most urgent public interests, was taken off from the rest of the nation. Sir Egerton mentioned many other details, and used many other arguments. For these he apologised to the House, as not likely to be other than fatiguing. "Tedious as they may appear," said he, "they are not a twentieth part of what I could have said on the subject. But I forbear. If the House grows impatient of these minutiæ, I am not insensible of the heaviness of my task. But the cause of literature is sacred, I know its value: I am sure that truth and justice are on my side; and I will not abandon it." He then moved, "That leave be given to bring in a bill to alter and amend an act passed in the 54th of his present majesty, so far as regards books published before the act of queen Anne, respecting the claims to eleven copies of the said books, and also to very limited editions of books."

Mr. *Bankes* said, he should take the sense of the House on the question, as he dissented from it in every possible point of view.

Sir *S. Romilly* said, it was no doubt desirous that public institutions should be furnished with books, but it ought to be done at the public expense, and not at that of the poor author. The tax thus imposed on authors was founded on a barbarous principle, and deserved the reprobation of the House.

Lord *Palmerston* said, the real question before the House was, whether they would consent to a repeal of the law passed in 1814. He could never allow it to be said, that an act like the present, which went to promote the interests of learning, was founded on a barbarous principle.

Sir *F. Burdett* had heard nothing to justify any opposition to the present motion, which, as he conceived, was founded on the strictest justice. The question at issue was simply this: whether a man shall derive the fruits of his labour, and enjoy them to the advantage of himself and family or be compelled to give them away to others? When the House considered the character, situation, and rank of those public bodies who claimed these publications, and how able they were to pay for them, he was persuaded they ought to hesitate before they rejected the motion.

Mr. *J. Smith* opposed the motion, because he saw no grounds whatever which could be brought forward in its support.

Mr. *Ponsonby* had, for the first time, heard that literature was promoted by authors being compelled to give their publications to the universities. For these learned bodies he felt a sincere respect, but he could not help saying they were always disposed to take a great deal, while they gave but little. If the universities required these books, they should either pay for them or the public should. He did not see why these public bodies should not purchase their books as well as individuals. It was truly absurd to say that literature was promoted by their receiving these copies from poor authors.

Mr. *Croker* thought the right hon. gentleman had not read the act of queen Anne, which expressly states that the provisions of that act were for the encouragement of literature. Besides, he had not recollected the advantages which authors obtained by this act in the extension of their copy-rights. It was not fair, as he presumed, to call this a tax on authors.

Mr. *Brougham* considered, that his right hon. friend had as much knowledge of the act of queen Anne, as the hon. gentleman, but certainly the provisions of the last bill rendered it necessary to be amended, as it imposed a greater burthen on authors, than they ought to bear. It certainly was not any encouragement to learning, to impose on poor men the task of supplying the universities with books, and thereby unnecessarily sparing the funds of those rich and well endowed bodies.

Mr. *Finlay* opposed the motion, observing, that the contribution of eleven copies was not so heavy a tax as by some it was supposed to be, as, in most cases, it was little more than the expense of paper and printing.

Mr. *Wynn* conceived that it was absolutely necessary to revise the act, in consequence of the manner in which its provisions had been executed. It was rather an extraordinary circumstance, that, with the exception of two of the universities, who refused novels and music, the learned bodies, to whom the law gave these copies, took them of every description of work that was published. It was not just, that by this means a power should be given to send expensive publications into the market in competition with the publisher. It would be much better to adjudge to the universities a pecuniary compensation which might be used for the advancement of learning.

The House then divided: For the motion, 57; Against it, 58: Majority 1.

SPIES AND INFORMERS.] On our re-admission to the gallery,

Sir *F. Burdett* was reprobating the employment of spies as allies of government in the maintenance of social order. While such instruments were made use of, it was impossible that any man's property or persons could be safe; and the misdeeds of one of these miscreants, whose conduct had lately been brought to light, proved, but too plainly, the truth of what he asserted. Under these circumstances, and hearing that the noble lord had attempted to defend the conduct of such a man as Thomas Reynolds, of Welbeck-street, he should be glad to know of ministers whether those spies had their authority for making use of the names of individuals? A transaction of this sort had occurred, in regard to which the state of the times rendered it necessary for him to vindicate his own character, however contemptible and unworthy of notice the individuals might otherwise be. It did appear then, that Oliver, the fellow of Reynolds, had gone about the country introducing himself "with sir F. Burdett's compliments." After what had already come out, it was impossible to say how far this man might be authorized by, or associated with, government. If so, the infamy of such transactions was mutual on the employer and the employed; or rather the government that could employ such agents, the scourge, and pest of society, was even more culpable than the wretched agents themselves; and if "Universal justice ruled the ball," the noble lord would be tried with his creatures, Castle and Oliver, for their conspiracies against the subjects of this kingdom. If the employers of these men had any feeling, or any conscience, they would have shunned the assistance of such unworthy allies; for they might beforehand have been sure that such agents would go beyond their instructions, because it was their obvious interest to do so: if they did not promote treason, their employment was at an end. A jury of able, independent, and honest men, had shown their sense of the infamous purposes for which these spies had been employed.

Lord *Castlereagh* said, that if any improper use had been made of the hon. baronet's name, it was owing, not as the hon. baronet would insinuate, to any directions on the part of his majesty's government, but, in all probability to causes over which the hon. baronet himself had greater control. At a proper period, he should be perfectly prepared to justify the part taken by government on this subject. If the hon. baronet's name had been mixed up with any of the proceedings of the individuals to whom he had alluded, it was himself that he had to thank for it, and not his majesty's government.

TITHE EXEMPTIONS BILL.] Mr. *Curwen* said:—The question I have to submit to the House is of the utmost importance, not only as it relates to property, but in the influence it is likely to have in preventing vexatious and expensive litigations, highly injurious to public morals, as well as to the temporal interests of the clergy. I am anxious, in the outset, explicitly to disclaim all intention of proposing any thing which can lessen the security of the property of the church or lay proprietor of tithes. Tithes, like all other descriptions of property, ought to be held sacred. If I succeed in showing that the law of evidence for substantiating a title to tithes is at variance with itself, and in direct opposition to every principle as applicable to all other kinds of property,—that the powers with which the church is armed are unnecessary for the protection of its own property, and inconsistent with the rights of others; I shall, I trust have made out a case calling for legislative interference. Fortunately, this may be accomplished without the application of any new principle; all that is requisite to be done is, to make the law applicable to property analogous to all descriptions of tithes. No statute of limitation exists against the claims of the church; consequently no length of possession, nor even an uninterrupted enjoyment of centuries, bars her claims to tithes. *Prima facie* the church is entitled to them; and nothing less than complete proof of the origin of the exemption claimed by the land-owner can be of any avail against the demand. Prior to the 9th George 3rd, the Crown enjoyed a similar privilege. A possession of sixty years is now a bar against the ancient rights of the Crown; but no length of time whatever will preclude the right of tithes; and as the church is *prima facie* entitled to them, lapse of time, which in all other cases strengthens the title to property, has the effect of weakening it in the case of the church, inasmuch as the original evidence of the exemption becomes thereby more difficult to be obtained. Nothing can be more repugnant to justice than this. Uninterrupted enjoyment for a certain length of time ought, and in all cases but that of the church does, confer an unimpeachable title. Not to admit prescription and enjoyment as a ground of title, is to shake all title, and to leave property exposed to endless litigation. In the present instance of the church, as may be seen by the papers I moved for in the early part of the session, exhibiting above 120 causes determined in the courts of exchequer and chancery in the last seven years, and about an equal number now pending, the fact has but too well corresponded with the theory. Disputes daily arise; and the most tedious, and expensive suits, are the ordinary consequence of this palpable defect in our law. The land-owner is naturally unwilling to surrender a right which long enjoyment has taught him to think justly his, at the same time that he is perhaps unable to prove, from loss of deeds or other evidence of facts to make out his title to the exemptions according to the severe rules of evidence adhered to in the courts of equity. In the end, he is not only despoiled of his property, but is also loaded with the costs of a long and expensive litigation. The evil of the law as it now stands is glaring. In support of this opinion, I have the first law authorities, in a case decided in Chancery by lord Ellesmere, with the principal judges. For "tempus est edax rerum," "records and letters patent, and others writings, either consume or are lost, or are embezzled: God forbid that ancient grants and acts should be drawn in question, although that cannot be shown which at first was necessary to the perfection of the thing." In the case of church lands, it seems but reasonable the church should be bound by the same statutes and rules of limitation by which other property, not excepting the Crown itself, is bound, But the case of tithes is somewhat different. Tracts of land which have been hitherto barren, may, by modern improvement in agriculture, be brought into culture; and it would be unjust, in such cases, that the church should be deprived of her tithes. A modified limitation of half a century, from the present time, might be reasonable. The respectability of the church is an object in which the nation at large is deeply concerned. Fully to appreciate the consequences of the extensive litigation of late years, it will be for the House to consider, that the duration of the hundred and twenty suits has not been less than six or seven years, pending which the churches have, in many instances, been nearly deserted. To such lengths have hostilities, in too many cases, been carried between the pastor and their flocks! Thus is that respect and veneration so necessary for the due discharge of the sacred functions broke through and destroyed. This is ground sufficient of itself to call for the intervention of this House. Great as the evil has been, it will, in the course of things, become yearly greater, as the security of property decreases. Whatever may be the degree of blame imputable to individuals, the great body of the clergy are distinguished by a very praise-worthy moderation. How long this body may be proof against the strong temptation the law holds out for litigation it is not for me to conjecture. Lord Hobart, in the case of Slade *v.* Drake, says, "It is a strange anomalum tithes differing from all other cases in law: for, whereas prescriptions and antiquity of time fortifies all other titles, and supposeth the best beginning that law can give them, in this case it works clean the contrary and this is *in favorem ecclesiæ*, lest laymen should spoil the church." The practice of the courts of law, in latter times, has been, to fortify the claims of prescription: thus in the solemn argument of Reid *v.* Brookman, about 26 years ago, lord Kenyon ruled, that instead of the *profert* it might be alleged that the deed was lost and destroyed by time and accident, and that usage would prove it, observing, "this is founded on necessity, since no human prudence can render deeds existing for ever." In the case of Berney *v.* Hervey, 1809, the present lord chancellor says, "I do not think I ought now to disturb the doctrine which has prevailed so long whatever I might originally have thought of it."—The doubtfulness of the legality of its origin, added to its palpable injustice, is a strong reason for legislative redress. The practice is at variance with the feelings and common sense of mankind, and can only have existed so long because it has not been complained of, nor redress sought where alone it could be obtained. How the present practice arose, of which I complain, is not very material to inquire. The ancient mode by which the clergy proceeded for the recovery of tithes was by libel in the ecclesiastical courts, which were removeable, by a writ of prohibition, into the court of King's-bench, where the claim was decided by a verdict of a jury. Disputes arising between the ecclesiastical and civil courts, as to the right of interference of the latter, were at length decided by a solemn hearing before king James who ruled "He would abide by the common law of the realm." For nearly 50 years the practice thus settled was followed, when the clergy, to get rid of the trial by jury, resorted to the expedient of commencing their suits in the courts of equity.—My first object is to apply a remedy to this deviation of the laws of the land by courts of equity usurping a right to pronounce on matters of fact without the intervention of a jury, as is done by deciding on moduses, being what is termed rank, or from their amount arguing a more modern date than that of Richard 1st. The courts of equity pronouncing on the rankness of moduses is a usurpation on the indisputable rights of juries. It stands unsanctioned by any precedent; contrary, indeed, to the established laws of the realm. Nor is the practice of equity courts regulated by an equal measure of justice between the tithe owner and tithe payer. In all cases where the church prays an issue to try the case before a jury, it is granted,—not so to the landholder. This seems to me a very partial and arbitrary mode of proceeding. My object is, to re-establish the right of the subject to a trial by jury on all matters of fact. This practice of the courts to decide on rank moduses without the intervention of a jury has been attempted to be defended by impeaching the impartiality of juries in tithe causes. But at no period of our history did the value and estimation of juries stand higher. Such senseless invectives have a complete answer by referring to the decisions of juries on tithe causes, in the last seven years, which are so decidedly in favour of the clergy.—The next point to which I would draw the attention of the House is to what are termed compositions—a composition real, or composition made between parson, patron, ordinary, and the parishioners, by deed—by which perpetual composition in lieu of tithes was established. These agreements, prior to the 13th Eliz. were valid. Doubtless numbers of such were made before they were prohibited. The proof of these rests solely on the deed of agreement after the lapse of 246 years. I entreat the House to consider in how few instances can such a title be established. After four times the period that would bar the Crown, no security results to the possessor of tithes. On what grounds of justice should not perpetual and uninterrupted enjoyment beyond all memory be admitted to prove the existence of such a deed? Every day, every year, must augment the jeopardy in which such property is placed, if this practice be suffered to continue. Subsequent to the 13th Eliz. compositions were made by parson, patron, ordinary, and parishioners, by deeds sanctioned by decrees of chancery. The legality of such proceedings was not questioned till 1765, when, in the case Blair *v.* lord Cholmley and others, they were declared illegal. It will be sufficient to show what has resulted from this decision to induce the legislature to correct the flagrant injustice that has sprung from it. I refer gentlemen to the case of the rev. Paploe Ward, rector of Cottenham. The composition in this case was made by deed, bearing date 1595, and sanctioned by a decree in chancery. The lands given in lieu of tithes are known by the name of the undertakers' or adventurers' lands—most probably on account of a drainage. After an enjoyment of upwards of 200 years this was set aside, and the rev. doctor recovered his tithes. And because the legal representatives of the lands cannot now be all discovered, the rector holds the land and the tithes both. To meet and remedy such cases, I would propose, that where compositions by deed or decree of chancery shall be set aside, the lands so given should be held by the churchwardens for the use of the poor, till the property shall be legally claimed. This is referring them to the use of those connexion with the suspension of the Habeas Corpus act. How the law of Scotland was upon this point he did not know; but by the law of England, a man might be tried more than three times for the same acts, if they were each time charged as different offences.

Mr. *Brougham* did not mean to say that there was any thing illegal in the proceedings in the case alluded to.

Mr. *W. Dundas* said, if the proceedings in the case alluded to were allowed to be legal, the question was whether the House was now to be called upon to alter the law of Scotland? There was not the least connexion between the case of the man alluded to, and the suspension of the Habeas Corpus act.

Sir *J. Newport* maintained, that there was a strong connexion between the case mentioned and the suspension. The question on the suspension was, whether ministers should be entrusted with certain powers, and the question in this case was, how ministers had exercised the powers committed to them?

Mr. *Abercrombie* said, that when the House considered that a man had been three times tried, and three times imprisoned for the same offence, it did seem more natural that some person should call the attention of the House to the subject, than that ministers should not consider it within the scope of their duty to explain circumstances so revolting to every proper feeling. Their silence created a suspicion as to the accuracy of the information they had received from Scotland. Every person recollected the oath that had been read in that House on a former occasion. He was astonished that ministers had given no answer to the question of his noble friend.

Lord *Castlereagh* allowed that if there had been any impropriety in the proceeding alluded to, it might be a fit subject, at some future period, for the attention of parliament; but nothing could be so little productive of public utility as that collateral mode of attacking the conduct of a court of law, and of demanding an explanation which those who asked it must be aware ministers could not be prepared to give. If there was any one thing of which the House ought to be jealous, it was of any interference on the part of ministers with the courts of law. He considered the questions put as coming more from political hostility than from any real complaint against the Scotch judicature. He was not ashamed to say, that he was not acquainted with what the lord advocate was doing 400 miles off. However, he entered no defence for that officer; he had the highest opinion of his skill and integrity, and believed that he would give a sufficient answer to all charges whenever he was arraigned; but he did protest against the arraigning him thus in his absence.

Lord *Milton* thought the noble lord's protest was one of the most extraordinary he had ever heard. The noble lord seemed to have abdicated the superintendence of his majesty's ministers over the law officers of the Crown.

Lord *Castlereagh* protested against such incidental discussions.

Mr. *Ponsonby* said, he was sure there was nothing farther from the thoughts of persons on his side of the House than to arraign the Scottish judicature. But the lord advocate was not the Scottish judicature—he was not a court of justice. He was only the prosecuting officer on the part of the Crown. He would say it did appear extraordinary that the same man should be tried three times. In England such a proceeding would be called illegal and oppressive.

Mr. *Canning* argued, that a charge against the lord advocate, coupled with an admission that he had acted according to the Scotch law, was, in fact, an arraignment of the whole system of Scotch judicature. If what had been done was legal it was to no purpose to arraign the conduct of the officer concerned: but the proper course would be to propose a remedy for such a law. Whether the lord advocate had gone beyond the discretion vested in him, this was not the time to inquire; but his noble friend had said with reason, that the effect of what had been stated was, to create an unjust impression against the law officer in question, not for exercising the duties of his office, but as having exercised them improperly. When it had been said, that an individual had been three times imprisoned for the same offence, it was impossible not to wish to live under a different state of laws, but the law of Scotland was so, and the evil could only be remedied by altering that law. If imputations were still held out that the law-officer had been guilty of improper conduct, all he asked was, that notice should be given of any charge, in order that the party might come prepared to answer it.

Lord *Folkestone* thought that the right hon. gentleman himself had expressly arraigned the judicature of Scotland, in saying, that it was impossible not to wish to avoid living under such a law, and that a change in it ought to be made. But the gentlemen on that side of the House had complained not so much of the law as of the discretion exercised by the lord advocate; and they felt dissatisfied at no answer having been given.

Mr. *Finlay* felt disgusted and disappointed, as did the whole Scotch nation, that an individual should be confined to a solitary prison, and tried over and over again, merely because the lord advocate was unable to draw an indictment. He complained that the legal affairs of that country were placed in such hands that it was impossible such circumstances should not frequently recur. An indictment had been three times quashed, and might, perhaps, meet with the same fate a fourth time. Was it to be endured that his majesty's ministers should allow the law to be in the hands of a person who could not draw an indictment? while the consequence might be, that, after all, the man would escape, whether innocent or guilty. The law of Scotland was right enough in itself—it allowed an indictment to be repeatedly amended in point of form and before trial; but who ever heard of an indictment being preferred three times for the same offence, after the case had been argued? On these grounds he thought the thanks of the House were due to the noble lord who had brought the subject before the House.

Ordered to lie on the table.

COMMITTEE OF SECRECY.] Lord *Folkestone* was desirous to have the Report of the Select Committee produced, as they had now terminated their labours. The early production of it would be a great convenience, particularly as it was to be followed up by the suspension of the Habeas Corpus. It was extraordinary that any member should keep such a report in his pocket. The person whom he alluded to was not then present in his place, but he hoped the House would find a remedy for his absence. He would therefore move, that lord Milton, have leave to report from the select committee.

Lord *Castlereagh* said, he understood the report would be presented in the course of the evening. It was not intended to propose any immediate deliberation upon it, but merely that it should be printed.

Mr. *Ponsonby* felt happy that the report was soon to be produced. He believed that the motion of the noble lord might be amended, and would move therefore as an amendment, "That the right hon. Charles Bathurst do forthwith attend this House in his place."

The *Chancellor of the Exchequer* contended, that a member could not be ordered to attend forthwith, but ought to be desired to appear at a certain time.

Mr. *Wynn* said, when high words passed some time since between two members, on their withdrawing, it was ordered that both attend forthwith.

The *Chancellor of the Exchequer* said, he would move as an amendment, that the House do now resolve itself into a committee of ways and means.

Lord *Milton* said, it was his wish that the report should be read when the House was full, and not at twelve or one in the morning, when most of the members had gone away. He was acquainted with the conclusion of the report, and it therefore struck him to be desirable that other members should know it. He must confess, that in the course of the proceedings of the committee there appeared on the part of some, he would not say many of the members, a disposition to enlarge on the dangers of the country. He could not help thinking that the report contained matter that might have been expressed more in coincidence with the evidence; but on the other hand, he thought there were some things that ought to have been stated, but which were not in the report. It struck him that many members of the committee seemed to have an opinion that there was nothing but disorganization in the country, and attempts to produce a revolution. To him, however, the causes that led to the present situation of the country appeared very different. He considered the disaffection to be nothing but the system of the Luddites five years ago, enlarged and grown more dangerous. Then, however, a remedy was applied that counteracted the evil, and it was in his opinion, therefore, rather inconsistent, that the same measures should not be adopted now.

Mr. Bathurst having entered the House the chancellor of the exchequer and Mr. Ponsonby withdrew their motions. Mr. Bathurst then presented the Report of the Secret Committee, which was read by the clerk. On the motion, that it do lie on the table,

Lord *Milton* observed, that it appeared to him, that the report, in some respects, was so drawn up, as to give too much the appearance of having been wholly agreed to by all the committee. He thought it stated many circumstances too strongly as to Manchester. He doubted not that many of the leaders were very mischievous and revolutionary; but a meeting of even 12,000 persons at Manchester and Salford, which contained a population of 100,000, surrounded by a populous neighbourhood, could not be called a very general meeting of the people of that part of the country. Too much importance was given to the proceedings. It had been said that the people marched in files to the meeting at Manchester, as if they were all drilled and disciplined; but that was not the case: after all, only about 50 of them reached Ashbourne. Several hundreds, it was said, passed through Leeds; but he had no evidence of that. The poor deluded manufacturers had been suffering under the severest distress that was ever perhaps known in this country. He could not exactly make out insurrection and treason in the idea of coming in a body to petition the throne. The majority of the committee seemed unwilling to put down in the report those facts and observations which had a tendency to allay the alarms of the country. He was convinced that, in being themselves actuated by these alarms, they were as sincere as he was in entertaining a contrary opinion. He thought it his duty to mention another circumstance that occurred in the committee. The utmost anxiety was shown, after the publication of the report of the Lords committee, to counteract the effect of a paragraph in that report, relative to the conduct of the agents of government, in leading to the formation of designs which they were employed only to detect. That paragraph, which had excited so much notice in the country, had not gone far enough in describing this species of mischievous conduct, or characterising those who engaged in it. He knew that much of the disturbances in Derbyshire and Yorkshire had been produced by the arts of government emissaries. When he expressed this conviction, he did not mean to insinuate that ministers were aware of what their agents were doing; far less that they recommended to them such a course of conduct, or approved of their transactions. A delegate from London lately arrived at Sheffield in the pay of government. His approach was expected by the majority of the respectable magistrates with alarm, and by the deluded people, who were not disposed to suspect the trick that was played upon them, with exultation. What purpose could this serve but to agitate the public mind? This system of employing spies under the mask of delegates or agitators was not confined to Sheffield. Another instance had lately been read from a country newspaper, and brought before the public in a manner of which he could not approve. He should have paid little regard to that extract or statement had its truth not been confirmed by other evidence taken before the magistrates of the west riding of Yorkshire, and before the lord lieutenant of the county. In his opinion, the committee in their report had not paid sufficient attention to the system of Luddism. The Luddites were a peculiar kind of banditti, who lived by plunder, and sought arms as the means of attack or defence. This circumstance, had it been taken into the account, might have accounted for the continued demand for arms in the disturbed districts, without leading to the inference that they were to be used for rebellious purposes against the government. He was not disposed to undervalue the dangers with which the country was threatened; but when he saw them exaggerated, he could not lend himself to give them credit himself, or to allow others to be unnecessarily alarmed. These dangers, though great, might have been removed, or at least reduced, had government taken a different course from that in which they had proceeded. He himself had proposed in the committee, as the means of preserving the tranquillity of the country, that the agitators, many of whom had been arrested, should be brought to speedy justice, and suffer a punishment adequate to their offences. This would have had more effect than the exertion of the extraordinary powers demanded by ministers. He did not mean to assert that the government agents were the original framers of the conspiracy described in the report, or that a general rising was not resolved upon before they were sent to the disturbed districts. He would, however, go the length of stating his belief, that but for those emissaries the design might never have been attempted to be carried into execution. A plot was formed, but it might never have exploded. Great jealousies existed among the leaders—they were each envious of the other's influence and power. The funds of the association in particular, though small in themselves, were a tempting bait to those needy adventurers; and would have furnished, in any contest which a robbery of them would have given rise to, a certain cause of disunion.—He had heard much of the organization of this conspiracy, and of the evidence of it supplied in the system of signals, by means of the firing of rockets from different elevated points at proper distances; but he never could be made to understand, how these rockets could answer any purpose whatever. He believed, therefore, the story of their being fired on hills at the distances of ten miles from each other, so as to convey intelligence from one body of rebels to another, was a mere humbug to deceive the credulous; or that, if they were discharged at all, it was to ridicule the fears of the alarmists. The organization of the disaffected was said, likewise, to be proved by the system of sending delegates between one district and another. Though there might have been a system of delegation, yet he was convinced that no extensive conspiracy was organized, by which the whole population might be excited, and brought to act against the laws and the constitution of the country. He allowed that there was cause for alarm; that there was every reason for the utmost vigilance of government; and that the circumstances of the country called for diligent and active exertions from the magistrates. Nay, he would even go farther, and say, that some new measures might be necessary; but he protested solemnly against the one which was in contemplation.

Mr. *Bathurst* was surprised that the noble lord should now state objections to the Report, as, excepting the concluding passage, it certainly had the approbation of every member of the committee.

Lord *Lascelles* had heard the noble lord's speech with some surprise, and he would add regret. When the committee broke up that morning, neither he, nor any other member with whom he had conversed, had the most distant idea that the noble lord disagreed with any part of the report. He had heard in debate that men might blind themselves to alarms, and that the noble lord was not so much alarmed as the rest of the committee. The noble lord had it in his power to have conveyed that impression, and to have stated his difference of opinion. He understood that at the conclusion of their work there was not a single difference unadjusted, except the practical recommendation that grew out of the facts and observations in which all concurred. If any difference of opinion arose, it was debated in no spirit of acrimony, and with no obstinacy of opposition: but recourse was immediately had to the evidence; the members weighed with each other its force, and coming to a general understanding, qualified the observation or phraseology so as to meet the views of all. The delay of the report was occasioned by this desire of accuracy. Even so late as that morning, doubts arose respecting the force of some statement, and recourse was again had to the evidence to prove its accuracy. He stated this, because it might have been supposed, from the turn that the debate had taken, that every thing was discussed in the spirit of party hostility; that there was an attempt, on the one hand, to exaggerate every alarm, and on the other, a disposition to believe in no danger. He was surprised that the noble lord should have made such a speech, after he had assented to every part of the report that described the dangers of the country, and only reserved his opinion as to the manner in which that danger should be met. He himself (lord L.) believed, that nothing short of this measure could repress the efforts of the agitators.

Mr. *Ponsonby* said, he felt considerable difficulty on the present occasion. It was perfectly true that his noble friend did not make any specific proposition in the committee, but he certainly stated generally, that though he did not object to any particular part of the report, yet he considered the whole as calculated to make an impression which the evidence did not justify. He (Mr. P.) would further observe, that the report did not, perhaps, contain all that could be said upon the subject, and it was understood that whatever particular opinions the members of the committee might entertain with regard to the practical conclusions drawn from it, they would be at perfect liberty to state them in that House. The House should recollect, that the committee in no instance affirmed any thing of their own knowledge. They stated only such matters as they were enabled to state according to the evidence laid before them. No member, indeed, (except those who, from their official situation, might have particular intelligence upon certain points), could know any thing beyond what they derived from the evidence. There was a palpable difference, therefore, between an affirmation on the part of the committee, arising from its own knowledge, and that opinion which they formed from the evidence submitted to them. The course of proceeding in the committee was this. For a considerable time a certain progress was made in the report with little difference of opinion; but when they got to that part of it which had been alluded to; some members of the committee expressed their opinions one way, and some another. It was on that occasion that he (Mr. P.) stated, as a general understanding, that no gentleman in the committee was to compromise his opinion, or to agree in a representation of any kind, from the hope of obtaining his (Mr. P's) assent to the farther suspension of the Habeas Corpus act. For his mind was made up against the measure, as one not at all applicable to the existing evil. Shortly afterwards, seeing but little utility in continuing his attendance, as to any chance of unanimity of opinion, he abstained from attending the committee. It was quite true, however, that till they got to that given point, the report of the committee was agreed to, and he was to be considered as agreeing to it.

Lord *Castlereagh* said, that the committee concurred unanimously in the existence of the danger, but disagreed about the practical result of their inquiry. It was therefore, determined, that every member should reserve his own opinion on that latter point till the question came to be discussed in the House.

Sir *A. Piggott* said, he was unfortunately prevented, during the latter part of the sittings of the committee from attending them, but he saw sufficient while he was present, from the nature of the evidence laid before them, and the extent of the dangers, to convince him, that the report, if considered as a preparatory step towards the farther suspension of the Habeas Corpus act, did not fairly grow out of the evidence produced.

Mr. *Lamb* had distinctly stated, that he could not agree in the recommendation at the conclusion of the report, as he was determined to go into the House unpledged to any measure, and he should be happy if his hon. friends would convince him that such a measure was unnecessary.

Mr. *Brougham* agreed that the report should be printed: the more it was known, the more would its conclusion be reprobated. He only wished, that along with the report the speech of his noble friend (lord Milton) should be printed; and that the speech of the other noble lord (Lascelles), could be circulated as widely as that report; for the noble lord stated, that concessions took place in the committee. Now, those concessions were not facts on which any conclusion could be founded; they were the mutual accommodations of gentlemen disposed to arrive at some vague conclusion. He had heard the noble lord say that there was a disposition on all sides to concede, to meet one another half way. The report, therefore, was not the fair and just view of the state of the country, but the result of compromise and concession. His hon. friend had said that the conclusion was all he had to object to, but it should be always remembered that this conclusion was attached only to a series of concessions.

Lord *Lascelles* explained. Whenever he stated facts he had no objection that the learned gentleman should give those facts what circulation he pleased, provided it were without misrepresentation. But he was not sure that the learned gentleman had not ingenuity either to misunderstand his expressions and to view them in a very different light, or to make them bear a meaning which he never meant to attach to them. He had stated, that whenever any thing was made to bear a stronger sense than any other person could approve of, recourse was had to the evidence, and the expressions were mutually accommodated to that evidence. There was concession, but it was upon the evidence.

After some further conversation, the report was ordered to lie on the table and be printed.

SECOND REPORT OF THE COMMITTEE OF SECRECY.] The following is a copy of the said Report:—

SECOND REPORT from the COMMITTEE OF SECRECY.

The COMMITTEE OF SECRECY, to whom the several papers which were presented (sealed up) to the House, by lord viscount Castlereagh, on the 5th day of this instant June, by command of his royal highness the Prince Regent, were referred, and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the House;—have, pursuant to the order of the

House, examined the same accordingly, and agreed to the following report:

In forming an opinion on the present internal situation of the country, your committee could not fail to bear in mind the information laid before them, at an early part of the session, upon which their first report was founded.

The papers now communicated to the committee, continue the narrative of the proceedings of the disaffected in the counties before referred to, viz. Lancashire, Leicestershire, Nottinghamshire, and Derbyshire (to which, part of Yorkshire and the towns of Birmingham and Stockport, must now be added), from the period of that report down to the present time.

Your committee find in these papers, not only a complete corroboration of the justness of the apprehensions, which they then expressed, but proofs, equally decisive of the continuance of the same machinations, and designs, breaking out into fresh acts of violence and insurrection, up to the present moment.

Your committee stated in their former report, that "even where petitioning was recommended, it was proposed to be conducted in such a manner, by an immense number of delegates, attending in London at the same time, in several parties, attached to each petition, as might induce an effort to obtain by force whatever they demanded; and that a general idea seemed prevalent, that some fixed day, at no very great distance, was to be appointed for a general rising."

The first attention of your committee has been directed to the proceedings of the public meeting held early in March, in the town of Manchester. At that meeting, which consisted of persons assembled from various towns and populous villages in the vicinity of Manchester, as well as of the inhabitants of Manchester itself, it was proposed by the same leaders who had previously attracted the notice of your committee, that the petitioners should assemble, at the same place, on Monday, the 10th of that month, prepared to set out on a march to London, to present their petition themselves to the Prince Regent in person; that they should form themselves into parties of ten each (which arrangement was proposed with the professed view of not transgressing the law); and that they should supply themselves with provisions for the march, and with blankets for the purpose of sleeping on the ground.

At many other meetings previous to the 10th, which, though comparatively private, were yet numerously attended, it was represented to them, by their orators, that they would be surrounded by the police and the military, and that they would be an easy prey if they proceeded without arms for their protection. They were assured, however, that their numbers, which, in the course of their progress, would amount to not less than 100,000, would make it impossible ultimately to resist them. It was stated that all the large towns in Yorkshire were adopting the same plan, that the Scotch were actually on their march, and that if the petitioners could once reach Nottingham, or Birmingham, the business would be done. They were advised to choose leaders over each subdivision of tens, fifties, and hundreds, and to appoint a treasurer to receive contributions, which were actually made in a great number of small sums, out of which fund they were taught to expect that each man would be supplied with a daily allowance.

A petition was accordingly prepared, with a copy of which every tenth man was furnished; and which concluded by stating to his Royal Highness, that, without the change which they demanded, "they could neither support him, nor themselves;" and they were told, that if their petition was rejected, they must demand it; if still rejected, they must force it, and say they would be righted. It appears, that some of the persons apprehended, were fully prepared to act up to these instructions; though it is to be presumed, that many of them had no very definite idea of the way in which their services were to be employed; and that even among their leaders, some of the more moderate reckoned rather upon intimidation, than upon the actual employment of force. At one of those more private meetings, however, which preceded the general assembly, one of those persons, who appeared to have most influence, avowed himself a republican and leveller; and professed his determination never to give up till they had established a republican government: the examples of the insurrection in the reign of Richard 2nd, and of the rebellion in Ireland in 1798, were held out, as objects of imitation; and the most violent of such declarations was generally received with the strongest marks of applause.

In consequence of these preparations,

the public meeting proposed took place at the time appointed; and was attended by probably near 12,000 persons: many of these proceeded to the ground in regular order, with knapsacks on their backs, and notwithstanding the assembly was dispersed by the military, acting under the orders of the magistrates, and the principal leaders were apprehended, under warrants from the secretary of state, a considerable number actually marched off on their way to London; many were intercepted before they reached Stockport, but several found their way as far as Ashbourn.

The act for enabling his majesty to detain suspected persons had now passed; most of those, who had rendered themselves most conspicuous in exciting disaffection in this part of the country, had either been apprehended, or had secreted themselves? and all hopes were precluded of any immediate result from the assemblage which had been so long concerted; yet it appears to your committee, from a variety of concurrent testimony, on which they rely, that the previous organization had been extended so widely, and the expectation of ultimate success had been so confidently entertained, that these circumstances produced no other effect on the great body of the discontented, than to delay the explosion, which had so long been meditated; to occasion the discontinuance of the more open meetings of the association; and to call forth the exertions of new leaders, who were determined (in their own phrase) to "re-organize the party." Meetings were accordingly held in several of the townships in the neighbourhood of Manchester, between the 10th and 25th of March, with more privacy, but under the established system of delegation, at which only the deputies from the disaffected places were present; and at which it was resolved to promote a general rising at Manchester, on Sunday the 30th of March, or the following day. A meeting was appointed for the leaders at Ardwick bridge, close to Manchester, on the Friday before that day; where they expected to receive information from Birmingham, Sheffield, and other places, with which they were in communication; having previously learnt from an emissary, who had visited Huddersfield and Leeds, that the disaffected in that part of the country were all ready to begin at any time, and were preparing arms for the purpose. The design was, to assemble as many as could be collected, in the night, at Manchester; to attack the barracks, the police office, the prison, the houses of magistrates and constables, and the banks in separate parties; and to set fire to the factories in the town. It was even declared by one of the conspirators, that this last atrocity was intended for the purpose of increasing the prevalent distress, in the hope of thereby adding to the numbers of the discontented, by throwing the workmen out of employment. It was calculated that two or three thousand men would be enough to commence these operations, as they reckoned upon being joined by 50,000 at the dawn of day. A proclamation was said to be prepared, in order to be produced on this occasion, justifying the revolt, and absolving the insurgents from their allegiance. Expectations were held out, that a general insurrection would take place, at the same time, in different parts of the counties of Lancaster, York, Warwick, Leicester, Nottingham, Chester and Stafford; and though some of these, particularly the two latter counties, may have been included without any sufficient ground, your committee see just reason to apprehend, that a successful insurrection at Manchester would have been followed by partial risings, to an alarming amount, in each of the other counties. Some preparations were made for providing ammunition, with a view to the arms, which it was intended to seize. The execution of this plan was defeated by the vigilance of the magistrates, who being apprized of what was in agitation, made a communication to the secretary of state, by whom warrants were immediately issued, and the ringleaders, assembled at Ardwick bridge, were consequently seized on the 28th. The magistrates of Manchester thereupon published an address to the inhabitants, announcing the danger, and calling upon the householders to be sworn as special constables, and to assist in preserving the peace of the town. This plan of the disaffected, being thus discovered, and deranged, they became more wary, and secret in their proceedings; but in the moment of disappointment, declarations were made, that it would be impossible to prevent the rising for a month longer. The assassination of persons most obnoxious to their resentment was suggested by some of the most desperate of the conspirators; an attack was made upon the House of one of the magistrates; the life of another was threatened; and a pistol was fired into the House of a gentleman, who was acting as a special constable. Shortly after this period, it appears to have been discussed, whether it would not be more prudent to discontinue the appointment of delegates, and to rely only upon one man in each town, who might call the disaffected together a short time before the intended insurrection, and seize on horses, preparatory to the attack on Manchester. But notwithstanding this proposition, the same system of connected operation by means of delegates was indefatigably persevered in.

Delegates from Manchester, Birmingham, Nottingham, Derby, Leeds, Sheffield, Wakefield, Huddersfield, and other places in the disturbed part of the country, either constantly or occasionally attended these meetings. The numbers assembled were not large, but the activity was unceasing; emissaries were continually passing from one of those places to another, to compare their accounts of the state of the public mind; to foment the irritation among the disaffected; and to combine some general plan of simultaneous, or connected insurrection; the object of which was, after consolidating a sufficient force, to march upon London, and there to overturn the existing government, and to establish a republic. The same designs were continued of attacking the barracks, and depôts, in different parts of the country (one of which was particularly reconnoitred with that view); of plundering the houses of noblemen and gentlemen, where arms were supposed to be lodged; of seizing the magistrates, and keeping them as hostages, and as authorities for levying contributions on the country; of disarming the soldiers by night, in their quarters, or seducing them from their duty; and of providing arms for themselves, partly by these seizures, and partly by an easy method of forming pike heads out of common tools and utensils.

It appears to your committee, that the utmost confidence prevailed among the delegates, as to the ultimate attainment of their object; that the successive arrests of several of the principal leaders, though they occasioned momentary disappointment, did not extinguish the spirit of insurrection, or the hopes of success, in the parts of the country above mentioned; and the utmost impatience was manifested at the delays which had taken place in fixing the day for the general rising. This, after several postponements, was appointed for the Monday in Whitsun week, and was afterwards again postponed to the 9th of June, which was thought more favourable for a midnight insurrection, as the moon would then be in the wane. Notice of this last appointment had been so widely circulated, that it became almost of public notoriety; which, while it awakened the attention of those whose duty it was to preserve the public peace, did not appear to derange the preparations of those who were disposed to disturb it. Even where the planners of the insurrection suggested a farther delay, they found it impossible to restrain the impatience, which they had excited among their followers, who had forsaken their ordinary habits of industry, and who must either proceed to the immediate attainment of their object, or for the present relinquish it, and return to their accustomed occupations. On the 28th of May a meeting of delegates in the neighbourhood of Sheffield was dispersed, and some of the parties were apprehended; and on the 6th of June, several persons described to be delegates, (and believed by your committee to be such), who were assembled at another place in the same neighbourhood, were apprehended by the magistrates of the riding, assisted by the military; and the final arrangement of the plan, which was there to be settled, was thus happily frustrated. It was confidently expected, that these arrests would disconcert whatever measures were in preparation, and they appear to have had that effect in the immediate vicinity of Sheffield; but the spirit which had been excited could not be wholly suppressed. In the neighbourhood of Huddersfield, in the night of the 8th instant, several houses were forcibly entered and plundered of arms. A considerable body of armed men were approaching the town, when a small patrole of yeomanry cavalry, attended by a peace officer, fell in with them, and was received with the discharge of several shot, by which one of their troop horses was wounded. The patrol having ascertained, that they were too few to oppose such numbers, thought it prudent to retreat, when several shots were fired after them without effect. On returning with an additional force to the spot, they found that the whole of the insurgents had disappeared; but guns fired as signals, in different directions, and lights shown on the heights throughout the country, sufficiently proved the extent of the confederacy, and the concert with which it was organized. In some populous villages of Derbyshire, a more open insurrection took place on the 9th of June. A delegate from this part of the country had attended a previous meeting at Nottingham, and an active emissary from thence had joined them in the course of the night. The insurrection began, according to the general plan proposed, with attacks upon houses, for the purpose of procuring arms; in one of which, a sevant was wantonly shot; about 200 insurgents were soon assembled, mostly armed either with pikes or with fire arms, and began their march towards Nottingham, in expectation of increasing their numbers as they went, and of finding that place in full insurrection, and prepared to support them. They were however intercepted by detachments of cavalry (under the orders of active and intelligent magistrates), which came up with them in different directions, and totally dispersed them. Between 50 and 60 were taken and lodged in the different gaols; many fire arms and pikes were taken at the same time, and a quantity of ammunition was found upon the persons of the prisoners.

Your committee have thus stated the prominent points of the information, which has been laid before them, particularly as affecting the manufacturing districts in the Northern and Midland counties, and which has been substantiated, in almost every particular, by depositions on oath, taken before magistrates. The character of the danger remains the same as was described in the former report. It arises from the indefatigable exertions of persons in the lower ranks of life, or but little above them, of some popular talents, inflaming and aggravating the actual distress of a numerous manufacturing population, by exciting hopes of an immediate remedy to all their sufferings from a reform in parliament, and preparing them (in despair of attaining that object) to attempt by force the total subversion of the established constitution of government.

Your committee stated, in their former report, that the mode of organization, practised with such mischievous success in the populous districts, had been in very many instances conducted under the cover of associations, called Hampden Clubs, formed for the ostensible purpose of procuring a reform in parliament; and they now find that in many instances, where the open meetings of those societies have been discontinued, several of the members of them have assembled more privately, and been the principal leaders in the projected combinations.

In their former report they did not think it necessary to advert to that atrocious system of combination, outrage, and hired assassination, which has prevailed in some of the midland counties, under the name of Luddism; both because the trials of persons, charged with those crimes, were then known to be depending; and because the system itself did not then distinctly appear to your committee to have any immediate application to political purposes. But they have since found reason to believe, that those who are concerned in instigating the people to insurrection, have availed themselves of this powerful engine for the more extended purposes of political innovation.

Upon the whole, your committee have been anxious neither to exaggerate, or extenuate, the nature and extent of the danger. They have not been insensible to the jealousy, with which the testimony of persons, originally implicated in the designs of the conspirators, or even of persons who never having engaged in those designs, have attended their meetings, in order to discover and report their proceedings, ought to be received; but the facts stated by your committee, rest not only upon confirmatory evidence, but on distinct, substantive, and satisfactory testimony; and although your committee have seen reason to apprehend, that the language and conduct of some persons from whom information has been derived, may in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting; yet it is perfectly clear to your committee, that before any such encouragement could have been given, the plan of a simultaneous insurrection, in different parts of the country, had been actually concerted, and its execution fully determined on.

Your committee have the satisfaction to continue to believe, as they have before stated, that the danger, which they have described, is to be found only among the lower order of the manufacturing population, in particular parts of the country, many of whom are labouring under considerable privations, from the low rate of wages, and the increasing price of the necessaries of life; though your committee cannot but remark that the most active and determined insurgents are in many instances to be found amongst those, whose earnings, even in the present state of the manufactures, would enable them to support their families in comfort. They find that of the promoters of these commotions, many have either left the country, or are prevented from prosecuting their designs. The disaffected appear to want leaders to conduct such enterprises as they have conceived; are frequently disconcerted by jealousy and distrust of each other, and by the consciousness that their plans are watched; and by the arrests of the ringleaders. Great as the numbers probably are, among whom disaffection, to an alarming extent, has made considerable progress, fomented at first by popular harangues, and still by the more powerful, and general excitement of seditious publications, your committee are fully aware, that the number of those, who are now prepared to take the lead in any project of open insurrection, is not to be estimated by the exaggerated reports of their delegates. Though they have been all along taught to look to London for countenance and support, though some of their own immediate emissaries have, from time to time, affected to bring them hopes of encouragement from that quarter, in case of success; and though it has been stated to your committee, that a delegate from the country has recently been attending a meeting of delegates in London; no specific information has been laid before your committee of the existence of any body of men, associated in the metropolis, with whom the disaffected in the country appear to be acting in concert, or to hold communications. Their hopes arise from their own numbers, which if they could be excited to simultaneous movement, would distract their opponents, and would procure the means for carrying their utmost designs into execution. It is hoped, by them, that the timid and irresolute would thus be encouraged to stand forward; and they flatter themselves, that efficient leaders would not be wanting to put themselves at the head of a successful insurrection.

Your committee cannot contemplate what has passed in the country, even since the date of their former Report, without the most serious apprehension. During this period, the precautionary measures adopted by parliament have been in force; many of the most active promoters of public disturbance have been apprehended; the immediate projects of the disaffected have been discovered and deranged; yet nothing has deterred them from a steady pursuit of their ultimate object. Though hitherto checked, the least advance towards the attainment of that object could not but be attended with the utmost hazard to the lives and properties of his majesty's subjects.

In the late insurrection on the borders of Derbyshire and Nottinghamshire, the mass of the population, through which the insurgents passed, evinced the utmost abhorrence of their designs and projects.—In other instances, where the inhabitants have been called upon to aid the civil power, that call has been answered with alacrity and zeal. Such conduct increases the claim of the peaceable and loyal inhabitants of the disturbed parts of the country to the most efficient protection.

Your committee find that it is the concurrent opinion of many of those entrusted with the preservation of the peace, and best acquainted with the state of the disturbed districts, as well as the admission of the disaffected themselves, that the suppression of the attempts at insurrection hitherto made, may, in a great degree, be ascribed to the existence of the extraordinary powers entrusted by parliament to the executive government, even in cases where it has not been found necessary to call them into action; and that the tranquillity of the country would be put to hazard, if those powers were now withdrawn. In this opinion your committee fully concur; and, confidently as they rely on the loyalty and good disposition of the great body of his majesty's subjects, (even in those parts of the country in which the spirit of disaffection has shown itself in the most formidable shape) they cannot but express their conviction, that it is not yet safe to rely entirely, for the preservation of the public tranquillity, upon the ordinary powers of the law.

20th June, 1817.

THE BUDGET.]—The House having resolved itself into a Committee of Ways and Means, and the Account of Naval Stores having been referred to the said committee,

The *Chancellor of the Exchequer* rose. He said, that much as he regretted to fatigue the House with that which he had to bring forward, at a period when, from the lateness of the hour, it might be inconvenient to them to give it that attention which it demanded, he was sure the House would see the propriety of not postponing it to a future day; and he must confess that he felt the less inclined to postpone it, as it would not be necessary for him to trouble the committee at any very great length. He was of this opinion, because, in the first place, he had reason to hope, that the practical measures which he should recommend were not such as were likely to call forth opposition—were in fact, as it appeared to him, as little liable to objection as any that had ever been brought forward; and, in the next place, the House came to this subject with more information on it than they usually possessed previously to the opening of the budget. At the commencement of the present session their attention had been called to the state of the finances of the country in the Speech from the Throne; and in consequence of the recommendation so made to them, one of the earliest proceedings of the House had been, to appoint a committee to inquire into the revenue and expenditure of the country. The reports made by that committee would enable him to spare those whom he had the honour to address, the trouble of listening to many dry statements of account which it would otherwise have been his duty to press on their attention. He should frequently content himself with reference to those reports, which he was sure would afford the committee more satisfaction than any imperfect statement he could offer of his own.

The consolidation of the English and Irish exchequers had added the financial concerns of Ireland to those on which he had been accustomed to address them, and he could assure the committee that a very considerable portion of official labour had been directed, since January last, to incorporate the accounts of Ireland with those of England. Those of the former country had never been brought forward in a similar form before. The arrangement, however, which had at length been made, would bring them under the consideration of the committee in a more convenient and uniform manner than that in which till now they had ever been submitted to them. This had been effected partly by official diligence, and partly by the act of the House itself. In what he had last said, he alluded to the directions given by act of parliament for the clearing up of all accounts, and discharging all outstanding balances between the English and Irish exchequers to the 5th of January last, and for cancelling all grants on the consolidated fund, which had not been realized on that day, and which, as the House was aware, were not likely, in the present state of the revenue, to be realized within any moderate period. The consequence was, that from the 5th of January last, a new account was opened for the consolidated treasuries, and the technical distinctions which had till now existed between them, were no more. At the same time, the arrears and deficiencies which for many years had encumbered the accounts of the united kingdom had all been discharged and made good, and a new account had been opened from that day, which would bring the finances of the empire under the view of parliament in a simple and intelligible form.

The committee appointed by that House to inquire into the expenditure and income of the country had not encumbered their Report * with a statement of the various distinctions of consolidated fund, war taxes, and other details of parliamentary appropriation, but had on the one side set down the whole amount of the finances of the country, and on the other the sum total of its expenditure. He regretted to state it appeared by that Report that the deficiency in the revenue of last year, as compared with the year preceding, and which deficiency parliament would have to provide for by other means, amounted to 10 per cent. in that proportion of the public income which was collected in England, and in Ireland there had been a falling off to the amount of 20 per cent. on the whole revenue. In a country where the accumulation of capital was so inferior to that which had taken place in this, and whose agricultural interests had been so greatly promoted by the consumption of the war, it was not a matter of astonishment that its agriculture should be greatly depressed at the termination of a war like that which had just concluded, and that when exposed to the additional pressure of a most unfavourable season, part of its population should be reduced to great distress.

Notwithstanding the unpleasant circumstances to which he had just referred, the means by which he proposed to meet the supplies of the year, were, he thought, of a nature perfectly unobjectionable, and amply sufficient. In the usual form, he

---

* See this Report in the appendix to the present volume.

should first go through the supplies required in the present year, and then state the ways and means to meet them.

Army (including 1,500,000*l.* for extraordinaries, and exclusive of troops in France, 9,080,000*l.*

For 1816, it would be remembered the total sum granted on account of the army, amounted to 10,809,737*l.*

The grant last year on account of the navy (exclusive of the grant for the reduction of the navy debt) amounted nearly to 10,000,000*l.* (It was more exactly stated 9,964,195*l.*)

In the present year the grant required for the navy was 6,000,000*l.* exclusive of a grant of 1,660,000*l.* for the reduction of navy debt.

To the grant of last year a very considerable sum might also be added, as in 1816 there had been paid off 2,000,000*l.* of the navy debt. The sum appropriated to this purpose had been taken from the unapplied money remaining in the exchequer from the grants of 1815. The whole sum, therefore, which had been applied to the service of the navy in the last year, amounted to nearly 12,000,000*l.*

The ordnance created in the present year a charge of 12,213,000*l.*

Last year, under the same head, there had been required the sum of 1,613,142*l.* Here a reduction had been effected of about 400,000*l.*, being about one fourth of the whole. The miscellaneous services would call for a supply of 1,700,000*l.* including the sums already voted in the present session Last year, the same services had required 2,500,000*l.* In this instance, therefore, a reduction had been made of 800,000*l.* The total supply, therefore, that was called for in the present year, exclusive of the interest of the funded debt, for the expense of the several establishments for 12 months not on the peace establishment, for he was far from thinking we had yet arrived at what might properly so be called, would amount to 18,001,000*l.*, or what, speaking in round numbers, he would call 18,000,000*l.* It would be remembered, that at the opening of the present session, his noble friend had estimated the expenditure of the year for the services he had enumerated at 18,300,000*l.* The actual supply called for came below the estimated sum by almost 300,000*l.* Last year, the grants for the same services amounted to 24,887,000*l.* The reduction effected in the present year, it would therefore be seen, fell little short of 7,000,000*l.*, being considerably more than one-fourth, and amounting to very near one-third of the whole. In addition to the 18,000,000*l.* required for the proper service of the year, a further provision would be necessary on account of the unfunded debt. In the first instance there was a charge of 1,900,000*l.* for the interest on exchequer bills the principal of which would be discharged in the course of the present year. This item, though large, the committee would look upon with satisfaction, when they considered how much the improved state of public credit lessened the charge thus incurred in providing for the ways and means of the year. A proper idea of this might be formed, when it was considered that what cost the country almost 2,200,000*l.* for the service of 1816, would in the present year create but a charge of 1,900,000*l.* upon an amount of principal considerably increased; and when it was further borne in mind, that a few years ago the same operation would have occasioned an expense of 2,500,000*l.* The sinking fund on the money thus kept floating as unfunded debt would amount to 330,000*l.* making a total charge on amount of exchequer bills of 2,230,000*l.* On winding up the accounts between the English and Irish exchequers an advance had been found necessary in order to clear up all demands on the consolidated fund of Ireland to the 5th of January last, from which period they had started on a new account. This had caused a grant to be called for (in order to make good the permanent charges of Ireland up to that time), of 246,508*l.* Towards the reduction of the navy and transport debt, a supply was demanded of 1,660,000*l.* There was thus, it would be seen, a new total of 4,136,508*l.* to provide for the charges of unfunded debt, or to make good previously existing deficiencies, which formed no part of the supply necessary for the service of the year. The different items and the grand total were as follows:

SUPPLIES.

	£.
Army (including 1,500,000*l.* for extraordinaries, and exclusive of troops in France) - - -	9,080,000
Navy (exclusive of grant for the reduction of navy debt) - -	6,000,000
Ordnance - - - -	1,221,300
Miscellaneous - - - -	1,700,000
Total supply for the service of the year 1817 - - - - -	18,001,300

	£.	
Interest on exchequer bills - - - -	1,900,000	
Sinking fund on ditto -	330,000	
To make good the permanent charges of Ireland to Jan. 5, 1817 -	246,508	
Towards reduction of navy and transport debt - - -	1,660,000	
		4,136,508
		22,137,808

He had now to call the attention of the committee to the manner in which he proposed to meet the above demands. The first article which he should notice was the annual duties on malt, sugar, tobacco, and some other articles which had been taken at the usual amount of 3,000,000*l.* The committee were aware that those duties always produced considerably more than the sum of 3,000,000*l.* charged upon them and that the surplus was carried into the consolidated fund.

He next proposed to avail himself of the ways and means for 1815 and 1816 exceeding the amount of the supplies which remained to be paid out of them. The sum for the former year was 15,749*l.* and for the latter 1,849,810*l.* These sums formed what, in the language of the exchequer, was called surplus of ways and means. He did not, however, mean to take credit for them as a genuine surplus, as in fact they became disposable only in consequence of parliament having, since they were granted, made a different provision for great part of the supplies charged upon them; whereby they became applicable to the service of the present year, instead of those for which they were originally provided. The whole, after retaining a sufficient sum to pay the supplies charged on them, amounted to 1,865,559, arising in great part from the temporary excise duties, upon which 3,500,000*l.* had been granted in 1816, but of which sum only 1,494,592*l.* had been received on the 5th of April last. There remained, therefore, to be received on that day 2,005,408*l.*, and it was estimated that before the 5th of April 1818 they would produce the farther sum of 1,300,000*l.* for which, therefore, he should take credit as the next item in the ways and means of the present year.

He should in the next place advert to the amount of the consolidated fund remaining at the disposal of parliament on the 5th of April last. In this case also a surplus had been produced by the recent proceedings of parliament. A considerable deficiency had accrued in the produce of the consolidated fund on the 5th of January, but that deficiency having been made good by subsequent votes of the House and all grants affecting the consolidated fund having been cancelled by act of parliament, its surplus produce on the 5th of April remained disposable for the service of the present year. The sums now remaining in the exchequer of Great Britain and Ireland and which he should propose to vote on this account amounted to 1,225,978*l.* or in round numbers 1,226,000*l.*

The lottery was taken at 250,000*l.* and though this might appear a larger sum than that of last year, yet, when the whole account was compared, it would be found that the lottery was reduced 50,000*l.* instead of being so much higher as one third of the profit of the lottery had last year been reserved for Ireland, according to the practice which had prevailed ever since the union, whereas this year the whole estimated profit was carried to one account. The whole amount was therefore taken at 300,000*l.* in 1816 and at only 250,000*l.* in the present year. The next item he had to state to the committee was that arising from the sale of old naval stores, the amount of which he estimated for the last year at 400,000*l.* There was one item more he had to include in the ways and means for the year. It was the arrears of the property tax, of which a considerable sum was due on the 5th of April last. The whole arrear estimated likely to be received in the year ending on the 5th of April 1818, was 1,500,000*l.* These several items of ways and means amounted altogether to 9,541,537*l.*; so that there was required to make good the supply 12,600,000*l.* This he proposed to raise by Irish treasury bills to the amount of 3,600,000*l.*, and a new issue of 9,000,000*l.* of exchequer bills. Having concluded these statements, he would now recapitulate the different items of the

WAYS AND MEANS.

£.3,000,000—Annual Duties -			£.3,000,000
Disposable	1815	15,749	
Ways and Means	1816	1,849,810	
			1,865,559
3,500,000—Excise Duties continued (after satisfying the grant thereon for the year 1816) -			1,300,000
Money remaining at the disposal of parliament of the consolidated fund at April 5, 1817 -			1,225,978

200,000—Lottery - - - - -		250,000
Old stores - - - - - - - -		400,000
Arrears of property tax received or to be received between the fifth of April, 1817, and 5th April 1818 - - - - - -		1,500,000
		9,541,537
Irish treasury bills -	3,600,000	
Exchequer bills - -	9,000,000	
		12,600,000
		22,141,537

The first total of the ways and means which he had stated, namely, the 9,541,537*l.* might be regarded as the ready money actually in the exchequer, or which would be received in the course of the year; but that was the whole which the ordinary resources offered for covering the expenditure. It was therefore clear, that the above balance of 12,600,000*l.* was necessary to equalize the ways and means and the supply; and he was convinced that that sum could not be raised in a way more advantageous to the country than that which he had proposed. He should, in the first place, endeavour to explain to the committee how the account of the 3,600,000*l.* Irish treasury bills stood. The House would recollect that before Easter there had been a grant of 4,200,000*l.* for repaying certain Irish treasury bills. Upon communication with the bank of England and the bank of Ireland (the whole of the treasury bills being held by them), it was found that the directors of those establishments were disposed to exchange the bills they held for new bills. Two hundred and fifty thousand pounds had however already been paid to the bank of Ireland, and as that body required 5 per cent. interest, it was not thought advisable to renew the whole sum now outstanding, but, to pay off, as occasion offered, such bills as were held by the bank of Ireland. Only a small part of the Irish treasury bills in their hands were however due till December and January next, and it would therefore be time enough to make arrangements for paying them off after the next meeting of parliament. The remaining sum of 9,000,000*l.* he proposed, as he had already stated, to raise by exchequer bills; and he was the more induced to take this proportion of the deficiency in that way, as the bank of England in its negociations would be satisfied with a more moderate rate of interest than was paid in Ireland. Before the meeting of parliament he could have borrowed 12 millions by an advance upon exchequer bills from one set of contractors, and on terms which then appeared favourable; but from the appearance of the money market, he thought it better not to avail himself of it, and to take the chance of making a more advantageous arrangement, in which he had succeeded even beyond his expectations. He had indeed found the state of the market such, that by issuing exchequer bills gradually in preference to borrowing in one sum upon the same sort of security, he had saved 300,000*l.* in annual interest. The power of the money market to take off 9,000,000*l.* of exchequer bills, he thought could not be questioned, when it was considered, that of the 42,000,000*l.* previously granted by parliament 27,000,000*l.* had already been put into circulation in the course of the present session. There were, therefore, only bills to the amount of 15,000,000*l.* further to be issued. The 9,000,000*l.* he now proposed to add would make 24,000,000*l.* and all things considered, he apprehended that there would not be more thrown into the market than could be easily absorbed. It ought at the same time to be recollected, that as the interest had been reduced from 5¼ per cent. to 3¾, there was a saving in that respect of 1½ per cent. From the measure he proposed, he therefore had reason to expect great advantage both to the agriculture and commerce of the country, and he doubted whether it would have been possible to derive equal benefit from any other arrangement. Although the revenue, from causes over which his majesty's ministers could have no control, had fallen short six or eight millions, there had been an evident improvement in our public credit. It might be recollected, that when he addressed the House last year on the financial situation of the country, the three per cent. consols. were only between 62 and 63; at present they were above 74. This was an improvement of twelve per cent. on 62, which, calculated upon 100*l.* stock, was equal to nearly 20 per cent. The exchequer bills were then at an interest of 5¼ per cent., and were sold at par. Those now in circulation bore an interest of only 3¾ per cent.; and on this very day those bills bore 12*s.* premium. These were circumstances which proved the manifest advantage of the system he had pursued, and now proposed to continue. But it was not in the money market only that the beneficial influence of that system had been felt. A proportional improvement was experienced in every description of property in the country. Large sums had already been sold out of the funds, and applied in aid of the landed interest, in purchases of real property and advances upon mortgages. Similar accommodation had been afforded to the commercial interests of the country by the increasing facility and cheapness of discount. Another most important improvement in the situation of the country had taken place since his last financial statement in the virtual resumption of cash payments by the bank. When he had suggested that the bank might be enabled to pay in specie in the course of two years, his statement was received with ridicule and incredulity. The suggestion which he threw out had, however, been completely realized; for the payments in cash had been for every practicable purpose resumed. He could not but congratulate the House and the country upon the removal of the doubts and alarms which had been entertained on this subject. None of the evils which had been so profusely foretold, had occurred; and this great change had been accomplished without any shock or danger to public credit. Those who had with regret anticipated these mischievous consequences, he was sure would now join with him in rejoicing at the state in which our country was now placed. The notes of the Bank of England had even during the restriction been preferred to those of every other bank in Europe. What then must be the effect of the removal of that restriction? A third circumstance to which he could not but call the attention of the committee with peculiar satisfaction was that, with regard to the public debt, the expectations he held out last year, had been more than realised. He had stated an expectation that it would be reduced at least 3,000,000*l.*: the balance of debt repaid exceeded this sum. The amount paid in 1816 had been stated by the committee on finance at 9,400,000*l.*; but from this sum it might be fair to make a deduction of 6,000,000*l.*, which formed part of the loans raised for the service of 1815, but which had not been paid into the exchequer till 1816; so that the actual balance discharged was 3,400,000*l.* This was most satisfactory; but it was not all, for since the 1st of November 1815, at which time the national debt stood at its highest amount, 32 millions of capital stock had actually been purchased up. If, instead of borrowing exchequer bills, he had funded capital stock, it would have been impossible to have operated a reduction of the debt to the same extent. Whether there would be an equal diminution of debt in the present year as in the last, was what he could not pretend to assert. He did not wish to state a positive opinion on the subject; but he estimated that, with some addition to the 12,600,000*l.* he had already mentioned, he might have to borrow altogether about 14,000,000*l.*, and that it was probable there would be paid off about 16½. There might, therefore, be a diminution not of 3½ as in the last year, but probably of 2½ millions.

With the improvement of our finances, he looked forward to a speedy improvement in the internal comfort and prosperity of the country [Hear, hear!]. He did not consider this expectation unreasonable. A great part of the public distress arose, not from any derangement in our domestic affairs, but from the general state of Europe. At a time when all over the continent many were struggling for the mere necessaries of life, it was not to be expected that there could be a great demand for our manufactures. This country fortunately had not been reduced to so low a state as some others had, but we could not expect to escape without sharing in the general calamity. If, however, Providence blessed us with a favourable harvest, he should confidently hope to see a steady restoration of our revenues and our former prosperity. He had taken the liberty of stating this much, merely to impress on the recollections of the committee, that even under the unfavourable circumstances of the last year, all the benefits which he had held out as likely to result from the plans he had proposed had been more than realized. He anticipated a still more sensible improvement; but he sincerely trusted that the country would never find it necessary to resort to any of those desperate and dangerous remedies which some persons had thought it proper to recommend. It was alone upon the firmness of parliament and the loyalty of the people, that the security of public credit and the restoration of national prosperity depended. He had now only to state, that he estimated the amount of the interest of the exchequer and treasury bills necessary to meet the supply at 450,000*l.* and he contemplated that that sum would be saved by the reduction which had taken place in the interest of unfunded debt since the last session of parliament. Thus the public would be subjected to no new charge whatever. He concluded by moving, " That, towards making good the supply granted to his majesty, there be issued and applied ' the sum of 15,749*l.* 15*s.* 2*d.* ' remaining in the receipt of the exchequer ' of Great Britain of the surplus of the ' grants for the year 1815.' "

The several resolutions were agreed to; and, after a short conversation, the chancellor of the exchequer, at the suggestion of Mr. Tierney, deferred the consideration of the report till Tuesday next.

HOUSE OF COMMONS.

Monday, June 23.

HABEAS CORPUS SUSPENSION BILL.] The order of the day for the first reading of this bill, having been read,

Lord *Castlereagh* said, that no individual could feel more deeply than he did the importance of the measure which he considered it to be his duty to recommend to the House. He was sensible of the heavy responsibility which must fall on those who called for it, and that on all hands it must be admitted to be a serious encroachment on the rights of the subject, during the time for which it was to be continued. It then became a question, whether the internal state of the country was such as to call for so strong a measure,—whether the ordinary laws were sufficient—or whether if these were not sufficient, other measures less strong than the Suspension of the Habeas Corpus, ought not to be resorted to? In arguing on this measure, he protested at the outset against any inference being drawn, that ministers, in forming their judgment on it, were subject to any undue bias in its favour. Nothing but a conviction, that for the safety of the loyal and the peaceable, and for the preservation of the constitution itself, they were necessary, could, he was certain, have made them consent to take upon themselves the arduous responsibility which attached to a measure like that now under the consideration of the House. He hoped their past conduct was such, as to prove they would not have advised the continuance of the act, if they were not satisfied, that of all the measures that could be resorted to, this would be the most effectual, and prove least injurious to the people at large. He wished the House to decide on its adoption or rejection, purely from the facts which were brought before them. He protested against the inference that had been drawn, that to bring in a bill like this was to libel the whole country, and to prefer a general bill of indictment against the people of England. He did not call for this measure against the people; but, on the contrary, he demanded it for them, in order to protect them in the exercise of their industry against the machinations of agitators, which were as hostile to their interests as they were to those of the country at large. The adoption of such a measure might alarm those who knew themselves to be guilty of treasonable designs; but, in his conscience, he believed the loyal and peaceable part of the community would feel no uneasiness about it, but, on the contrary, would be grateful for the passing of the bill, which they would regard as a measure of protection.—The noble lord argued, at some length, in opposition to those who were of opinion, that supposing treasonable designs to exist, those by whom they were entertained were too insignificant to merit the serious attention of parliament. Though happily, the disaffection was confined to the lower orders, yet still, he contended, the danger was formidable. He showed the lower classes of the manufacturers to be confident in their own strength; to possess considerable acuteness, knowledge of the law, and ingenuity to evade it. To the manufacturers he stated these designs to be in a great measure restricted. They had studied precedents from the history of the treasons of former times, and it was not necessary in his mind for higher characters to take part with them to enable them to succeed if they were not well watched. They might at any rate succeed so far as to cover the country with desolation for a time. He wished the attention of the House to be directed to two points—the consideration of the events which preceded the 15th of April might first deserve their consideration. It would then be for them to look to what had occurred subsequent to that period. This division of the subject, according to dates, he thought of some importance. Those who had formerly opposed the Habeas Corpus suspension bill, might, he thought, now, with the additional experience they possessed, feel justified in supporting the bill for renewing that act; but he could hardly think it possible that those who concurred with him on the former occasion could oppose the present bill, as the case for its renewal was infinitely stronger than that made out for passing the law now in force. Not only had additional conspiracies been discovered, but, in the late inquiry, the former conspiracies had been confirmed. He denied that the result of the late trial proved that there was no treason in the country, though God forbid that he should arraign the decision come to by the jury. No person could, he thought, shut his eyes to this fact, that there was treason in the country. He was anxious that the events down to the 15th of April should be considered separately, because he expected an attempt would be made to create a belief that the conspiracies which had been formed, had been in a great measure brought about by the emissaries of government sent into the country for that purpose. Mr. Oliver, who was supposed to be the moving cause of all, did not leave London before the 17th of April, to go on his first mission. It was plainly seen, that an explosion had been intended with which he could have nothing to do. This would result from the reading of the second report of the secret committee, unless they absolutely disbelieved it. Three periods, it might be seen, were indicated, at which an effort was to have been made, and at three several times the conspirators had brought their preparations so nearly to a point as to think of naming the day on which they were to proceed to action. In two of these cases, it was quite clear that Mr. Oliver could have nothing to do with the designs of the conspirators—that no part of their proceedings could be ascribed to his exertions. That person had not been sent down to encourage the disaffected to riot and insurrection. The fact was, he had become incidentally possessed of some information respecting their designs, which he had communicated to the government at a time when he was not known to the secretary of state. He did not leave town till the 17th of April, and at no period had the treason in agitation assumed a more malignant character than that which belonged to it on the 30th of March, when the destruction of Manchester was contemplated. This was before Mr. Oliver was in communication with the government. That plan was only frustrated by the arrest of the delegates. With these proceedings, and with those of the 9th of March, Mr. Oliver had no connexion whatever. He had never been sent to the country, to encourage the disaffected to commit acts of treason. It might be that the appearance of a person in the character which he assumed, that of a delegate from London, would have the effect in some degree to encourage the conspirators; but he apprehended the government were justified, if they had reason to believe that such designs were in contemplation, to send down somebody to see what the parties were about. Oliver was directed to go there for this purpose, and not to excite those on whom he was to be a spy to any acts of a criminal nature. The fact was, he was applied to by a delegate from the country—a leading man and a well known character, to satisfy himself of the spirit which existed where he had been; and he was told that if London would not unite with them, the people of the country were determined to risk a rising by themselves. Mr. Oliver had nothing at all to do with them before this delegate, and another leading man, introduced him to them. The person connected with the delegate had been about to leave the country, but understanding the effort was immediately to be made he determined to remain, in order to co-operate with the conspirators. Mr. Oliver was then invited to go into the country, and on this he communicated to government what had passed, whether he ought to avail himself of the opportunity or not. He was authorized to do so, but no one had been base enough to direct him to excite them to acts of violence, and so far as government had been informed of his proceedings he had not done this. At Nottingham, it was clear that Mr. Oliver was not concerned in the rising which it was intended should take place on Whit-Monday, and which was afterwards put off till the 9th of June. He left the country before the deliberations of May 23rd, on the subject of the rising, and did not leave London on his return till the evening of that day, after the discussion was over. What had taken place, therefore, on that occasion could not be brought home to him. What Mr. Oliver had or had not done while in the country, it was impossible for ministers to tell exactly; but this he (lord C.) knew that he had had no instructions to take the part he was reported to have taken. It was not known that he had been guilty of that which was imputed to him, and there was reason to believe that his exertions had materially contributed to prevent the intended explosion of June 9. He thought the information of this man was entitled to considerable credit. With respect to the numbers, the delegate who had introduced Oliver, had given very large and magnificent reports of them; and the numbers stated by Oliver to the persons he was represented to have invited to rebel, were the same as those mentioned to him by the delegate. He entered his protest against the system of imputation on government for taking the measures necessary to prevent rebellion. Were they to suffer it to take the field before they attempted to counteract its effects? He thought that the contrary was their duty. All information had not been received from common spies, but many persons had considered it their duty to communicate what they knew. He blamed the attempt to throw odium on such persons, as calculated to prevent individuals from coming forward. The measure now proposed to be renewed had already rendered considerable service. In the judgment of nearly all the magistrates it had checked insurrection, and been more effective than any of the other measures adopted by parliament. It had operated as a preventive rather than as a punishment. It had occasioned a considerable decrease of the mischief, and if continued would prove a sufficient remedy to the evils by which the peace of the country was menaced.

Mr. *Ponsonby* seized the first opportunity to state facts which, as a member of the committee, had come to his knowledge, and which he thought ought to induce the House not to adopt a measure as vicious in its principle as it must be mischievous in its effects. He would begin with the conduct and transaction of an individual whose character had become notorious to the country. If he were to state that Mr. Oliver had excited the disaffection that prevailed, that he had formed the plots and arranged the insurrections which were described in the report, and that no design to disturb the peace of the country had been entered into till he left London to go to the agitated districts, he should be stating what was not consistent with fact, and what he did not believe. He believed that insurrectionary movements were contemplated before this individual began his labours, or received his commission, and that he had predecessors in the course he pursued. He did not know who those individuals were; he did not know their names or characters: the only person on whose authority he could rely was that of the person himself so often alluded to. It was true that there were dangerous movements in some of the disturbed districts, but who were the agents or agitators the committee had not learned. These movements were not of recent date. He begged to state to the House, that in those counties there existed an association more atrocious, malignant, and bloody, than any that had ever before disgraced this country, or braved its laws; but that this association had not originated in political principles, and did not direct its view to political objects. The House would anticipate that he meant Luddism, or Ludditism. It had commenced several years ago, it still continued in full vigour, and some of the most atrocious suggestions for the disturbance of the public peace, or the commission of cruelty and bloodshed, proceeded, he believed, from individuals trained to mischief by its laws. That they might have mixed themselves with those who had political objects in view, he was not disposed to doubt; but he believed that the great mass of the people never intended disturbance, or were disposed to engage in any criminal proceedings. He was convinced that these people met for the purposes of reform, and that they formed themselves into numerous associations, merely because they thought that was the only means of obtaining their object. Though he believed them innocent of any criminal intention, he could not say the same of all their leaders, many of whom entertained, he had no doubt, very wicked designs. He would state some of the information gained from the papers and evidence presented to the committee. In the month of March last a person calling himself a delegate, came to town from one of the midland districts, and was introduced to a person of similar opinions in London. The object of his visit was to inform the people in London of the situation of the country, and to carry back to the country the degree of assistance which in any movement in the north might be expected from the metropolis. He told them that the people in the country laboured under an intolerable load of distress, and were excited to great disaffection; that they were unable longer to bear their sufferings, and were determined to throw off the yoke;

that they merely wanted to know what aid they could expect from their friends in London, and were anxious to learn the public feeling here. The person to whom this delegate addressed himself gave only discouraging information; expressed great dissatisfaction with the state of the public feeling; and told him that, in consequence of the present situation of affairs, he was about to leave London, and even England; a purpose which he carried into execution soon after. This delegate, however, found two other persons ready to accompany him as delegates from London, to inform the country of the feeling of the capital, and Oliver proposed to go along with them, making a fourth delegate. They soon afterwards left London; but before they proceeded on their journey, Oliver applied at the office of the home secretary for permission to go to the disturbed districts, to examine appearances, and to transmit such information for the use of government as he might obtain. He (Mr. P.) thought it only justice to the noble lord at the head of that department to say, that he gave no authority to Oliver to commit such acts as he had been stated to have committed, or to compromise the safety of any by tempting them into practices which he afterwards exposed. The country delegate placed full reliance on the zeal and sincerity of Oliver. He introduced him to all his friends in the country; he told them that they might place implicit confidence in him, that he was a second self, that nothing that they could disclose to him would be misplaced. Oliver was accordingly received by these people with that confidence which became such a recommendation; he was called the London delegate, was acknowledged and treated in that character, and acquired all the confidence and influence which his high commission conveyed or inspired. He remained among these people from the 17th of April to the 17th of May. He could not tell how he comported himself at that epoch; but he was every where received as the London delegate. The account that he gave of his transactions was the following:—The people in the country often asked him, how the people in London were disposed. To this he was shy of returning an answer, and sparing of information when he did. He told them that he came to learn the situation of the country, to convey intelligence to the capital, and not to inform the country of what was doing in the capital; that London was ready to rise, and only wished to know what assistance could be derived from the country; and that the people in London would not stir first, but would be ready to second any movement from the country. His friend, the country delegate, gave effect to this information, by telling his brethren, the country delegates, that 75,000 individuals could be relied on in the eastern parts of the capital, and 75,000 in the western, making in all 150,000 men. At any rate, he assured them, that there could be no doubt that all who assembled at Spa-fields were zealous reformers, and these amounted to 70,000 men. Could it be denied, that a person communicating such reports as this would not do mischief? Must not the effect of his conduct necessarily be to excite the wretched individuals with whom he conversed to acts of rebellion or insubordination, by assuring them of the certainty of a relief to their distress by means of a revolution which, there was no doubt, they could produce, by merely giving the signal to an irresistible force which would follow in their train, and be guided by their example? Could any thing be more calculated to encourage criminal hopes, or to lead to desperate enterprises? Yet the information which Oliver gave to the committee was calculated to destroy any belief that might exist of a correspondence, or an understanding between the disaffected in London and the country. He (Mr. P.) had asked that individual, if, when he thus encouraged the country delegates with hopes of assistance from the capital, he knew of any society or association established in London for the purpose of corresponding or co-operating with any society or association in the country, or if he had ever seen traces of such correspondence? and he answered that he neither knew nor had known of any such society. "I next asked him," said the right hon. gentleman "if he knew or had known of any man of rank, wealth, character, or influence in London, with whom the disaffected in the country were in correspondence, or whom they regarded as favourable to their designs?" and he answered, "I neither now know nor have I known such a person." "I then asked if the person who accompanied him to the country ever mentioned the name of any individual whom the country meetings or delegates had selected in London as the channel of communication between any body of disaffected men in the metropolis, and the districts which he traversed?" and he answered that the delegate never named such a person, or spoke of such a proceeding. He mentioned these things, to show that if no society existed in the metropolis to correspond with the disaffected, if no man of rank, wealth, influence, or character, was implicated in their designs, or favoured their projects, if the disturbances were confined to districts of the country where there were so many causes of excitement, besides political, our liberties ought not to be suspended. He allowed that disaffection existed in the manufacturing districts, but was this a reason for depriving the whole of the country of the benefits of the constitution? The suspension of the Habeas Corpus was neither necessary, nor was it adapted to the evil. It was not by suspending our liberties that the tranquillity could be restored, but by destroying this system of outrage and atrocity, supported by an association who had wrought their minds to such a pitch of rancorous and cruel malignity, that they would shoot any person for a few shillings who never did them any injury, and who was perfectly inoffensive. Unless this system could be rooted out, in vain would any attempt be made to restore the peace of the country, or to retrieve England from a stain which was now cast on her for the first time by the atrocious conduct of Englishmen who hired themselves to murder their unoffending fellow subjects. A measure like that now proposed, instead of putting down the evil, would increase it, by teaching the more respectable part of the nation to be dissatisfied with that constitution which was no longer worthy of their attachment, and that government that robbed them of their liberty. How could the present measure repress the efforts of these people? Would a few months imprisonment cure them? Would it deprive them of their malignity? It was not his duty to propose a remedy, but he would say, that penalties must be enacted against those desperate associations. Was it to be endured that the nation should be deprived of its liberties for associations like this? In 1812, the Luddites were equally formidable as now, and yet the Habeas Corpus act was never proposed to be suspended then. He would now recommend an inquiry into this subject; he would recommend it as a good thing for the districts infested with these banditti; for the honour of the nation; and above all, for the purpose of destroying that pretence for the suspension of our constitution that was now resorted to.

Mr. *Leigh Keck* thought there was no other remedy for the disturbance to which the right hon. gentleman had alluded but the measure which he had opposed. The magistrates had endeavoured without success, to put down these associations by the ordinary powers of the law. The evil had fixed its roots so deep, that as long as there was free agency allowed to the leaders of these associations, it was not in the power of man to put them down. The usual powers of the law were useless; there was but one opinion on this subject in the part of the country to which he belonged. If any gentleman knew a better remedy than the present, let him propose it, and the magistrates would willingly adopt it. With respect to Oliver, there had been great misrepresentations. His character stood higher than that of the class of men to which he was generally described as belonging. Against his moral character there was no imputation. Without such agents the designs of the disaffected could not be counteracted. Whatever might have been the original object of the Hampden clubs, he did not scruple to say, that they had become the pest and bane of society.

Mr. *Abercrombie* observed, that the existence of considerable danger was admitted on all sides; and the only question for discussion was, whether this bill would prove a successful remedy for the evil. He was sorry to say, he had never heard a less convincing speech than that of the hon. gentleman. It was made up of statements which rested entirely on his own assertion, or of reasonings which directly controverted those statements. The hon. gentleman had stated his conviction that nothing could be proved against the moral character of Oliver. But what did this morality consist in? In introducing himself to the confidence of persons resident in the country, by flattering their prejudices, instigating their zeal, and inflaming them to acts of sedition; by assuring them that 75,000 men in London waited for no other inducement to insurrection, than the indication of the same spirit in other parts of the country. Such was the morality of the man employed by his majesty's ministers to sound the dispositions of the people. The House was bound to consider into whose hands they were about to commit so great a power. There never was a time when so many constitutional questions were pending, with respect to the conduct of a minister, as were now raised with respect to the conduct of lord Sidmouth. The government might appeal to their majorities in parliament; but who was there who had heard the dicussions on the subjects of the prisoners confined in Reading gaol, or the circular letter to the magistrates, founded on the opinion of the law-officers of the Crown, and lastly, on the extraordinary mission of Mr. Oliver, who would not say, that a strong case presented it itself against any reliance on the discretion of a minister whose proceedings had in those instances been impeached; and, he believed, condemned by a large majority of the country? From all the evidence of which the House was in possession, the inference was, that the disorder was local; that it had no communication with London; and that with regard to its capacity of subverting the government, nothing could be more futile or contemptible. What he would recommend to the House would be, the enactment of a code of laws referring precisely to the nature and extent of the evil, and the rigorous enforcement of them when enacted. Our ancestors, when they passed the statute of treasons, never thought of constructive treasons; they contemplated a real conspiracy against the king's life, or an actual levying of war against him; and so strong was this feeling in the country, that so long as the disaffected were brought to trial in this form, he believed the Crown would obtain no convictions. So far from thinking a suspension of the Habeas Corpus act a measure of that nature, he apprehended that it would only serve to alienate the affections of the public, and to render the conviction of offenders more rare and difficult. The consequence must be, that ministers would be glad to avail themselves of any plot as a pretext or ground for still farther continuance of this measure.

Mr. *Barclay* was of opinion, that the noble lord, in looking at the extent of the evil, had forgotten the remedy already in his hands. Whilst he magnified the danger he diminished the strength of those laws which were already provided against it. The plans of insurrection which had been disclosed evidently proceeded on no certain knowledge or just calculation of their own force. He could not consent, therefore, to sacrifice one of his dearest liberties upon vague apprehensions and futile dangers. The present circumstances were very different from those under which this measure was before brought forward. Parliament was then sitting, and if any instance of an abuse of authority occurred, it was sure to be represented to that House. The employment of spies and informers he considered necessary; but it was obvious that the trust reposed in them might be easily perverted to injurious purposes. As the representative of a large body of his fellow-countrymen, he could not, although he believed ministers had no sinister purposes in view, support such a measure upon the grounds alleged, and during the recess of parliament. The country was in a course of improvement, labour was again beginning to find employment, agriculture was recovering, and that severe distress, which it was only wonderful had not still more exposed them to the instigations of the disaffected, would soon, he trusted, disappear, and banish all those violent symptoms which were supposed to render so extraordinary a measure as the present necessary.

Mr. *Wilberforce* declared, that he should always feel a strong reluctance to sacrifice so important a privilege as that which it was now proposed to suspend; and if he consented on this occasion to invest ministers with such a power, it was because he concurred with them that they had the best means of judging that it was necessary to the safety of the country. He thought there was in the late disturbances all over the country much more of a political character than had been represented by a right hon. gentleman. If the leaders were without property, they were not without great natural energy. He could readily conceive how the lower orders, that valuable portion of the community whose labour was so essential to the social system under which we live, might be tempted by the delusive and wicked principles instilled into their minds, to direct their strength to the destruction of the government, and to the overthrow of every civil and religious establishment. It did not appear, that Oliver had asserted, when he mentioned in round numbers the force of the disaffected in London, that there existed any general committee, or that there was any precise calculation formed upon that subject; but surely nobody would deny that there was a great deal of disaffection in London.

which, although in consequence of this measure it might hide its head for a while, only waited for the first favourable opportunity. How was the circumstance, so fully attested, of the number who in many populous districts in the country daily watched the arrival of the mail, in the expectation of hearing that the Tower and the Bank were in the hands of insurgents, to be explained, except as the indication of a belief, that the rising in one place would be the signal for a rising in others? He believed this disposition was created, not by the spirit of Luddism with all its dreadful system of secresy, and tendency to mischief, but by the dangerous political doctrines so actively propagated of late. He begged to refer them to the first report: in that they would find that the late committee was of this opinion, and that they took the same view, both as to the extent and malignity of the disease. The question then was, whether this was an appropriate remedy. Strictly speaking it was not, for the object was, to take away those who infused the poison, whilst the complete remedy could only be expected from that alterative system which must be brought about by a more general diffusion of knowledge and moral principles. With regard to the possibility of its abuse, he believed the best affected and the most respectable entertained the smallest fears. He could not easily bring himself to apprehend that the noble lord (Sidmouth) would so far forget the character he had always sustained, as to employ the authority intrusted to him to wicked or oppressive purposes. Although parliament might not be sitting, no case of cruelty or hardship could remain unknown in the present state of the press, and every such case would most certainly be canvassed whenever parliament should be reassembled. Candidly speaking, however, did any hon. gentleman believe that such abuses were likely to take place? He admitted that all power had a tendency towards excess; but in this country that tendency was corrected by various controlling causes. If such instances of abuse had already occurred, the blame attending them was not imputable to ministers, nor did they afford any ground for believing that they had been actuated by any other intention than that of discharging their duty. It was often the accident of human affairs, that nothing was left but a choice of evils, and such he conceived to be now the case with ministers. He confessed that when he saw the designs of those who, whatever the world might think of them, were yet wise in their generation, and when ministers pledged themselves that this measure was necessary, he felt himself, however reluctant, compelled to yield to such necessity. He certainly thought it an evil: at the same time he hoped that the natural good sense of the people of England would at length restore them to their suspended rights. Till then he must, for the sake of the patient poor, for the sake even of the turbulent themselves, consent to the passing of the bill now proposed.

Lord *Althorp* said, that the speech of the hon. gentleman though very eloquent, had failed in convincing him of the necessity of the present measure. He thought that ministers had entirely failed in making out such a case as to justify the necessity of granting those powers. Even if all that the reports of the committees contained were allowed to be true, a sufficient case had not been made out. But when it was considered how very much the facts alleged in the reports had been mistaken, the case against this bill was much stronger. In the first report it was said, that the disaffected in the metropolis had assumed the French revolutionary emblems, but it had been proved that this was not the case; but on the contrary, that the flags and cockade of the rioters were not of the French colours, but green, white, and red, adopted from some absurd notions about nature, truth, and justice. He trusted that many of those who had supported this bill in the early period of the session, would vote against it now, for there was a wide difference between intrusting the executive with such extraordinary powers during the session of parliament, and continuing those powers during its prorogation. To talk of confidence in government was no argument when the question was the safeguard of the constitution. On the whole, he hoped the House would reject this bill.

Sir *S. Romilly* rose at the same time with Mr. Courtenay, and, having been called to by the Speaker, he said, that he hoped that he should not deprive the House long of the pleasure of hearing his learned friend, but, having taken some part in opposing the former bill, he was unwilling to give a silent vote upon this. The noble lord had said, that all who voted for this measure in the early part of the session, must necessarily concur in it now; and that even those who were hostile to it before, might well, in the present circumstances of the country, give it their support. He was so far from thinking this, that even if he had been friendly to the bill before, he should be decidedly against it now. This, indeed, was a measure of much greater importance even than that which the House had before adopted. They were then called upon to suspend the Habeas Corpus, but it was only for four months, and while parliament would be sitting, and might watch in what manner the extraordinary powers given to government were exercised; now they were required, just before they separated, to suspend the most valuable part of the constitution, and to commit this arbitrary power into the hands of ministers without any parliamentary check or control, and this for an indefinite period of time, the duration of which was to depend entirely on the pleasure of the Crown. When parliament should meet again, rested entirely in the breasts of ministers; and so repugnant to the spirit of liberty did he think such a power, that, if the bill should be carried, it was his intention to move that some fixed time should be named at which ministers should be compelled to call together the parliament. The noble lord had talked of circumstances of augmented danger: if such were the case, what did it prove, except that not only was the suspension bill inefficient, but that it had increased the evil it was intended to prevent, and treason had grown up under it, instead of being crushed? And, indeed, could any one doubt that it must furnish food for discontent and disaffection? Before the passing of this bill the grievances complained of by the people might in some sense be said to be imaginary. They had some remote notion that every thing was not precisely as it was in the reign of king John [a laugh]. But now it was very different: there was a positive and present evil to complain of; an evil no less than their being exposed to the privation of personal liberty, and that without notice and without trial. There was also another evil no less grievous. It was now, for the first time, avowed, that spies were in the regular pay of ministers, and were part of their cruel system of administration. Spies who were the promoters and the instigators of the crimes which they afterwards denounced. Surely, here was enough to excite discontent and disgust through the house and the nation. It was impossible not to feel that the first report (of course unintentionally) had been in many respects grossly exaggerated; and was there a man who could doubt that if the committee had seen the examination of certain witnesses, they would never have made so strong a report? It was a most striking feature in this case, that though these treasonable practices were said to have continued so long, and though the quarter sessions and the assizes had been since held in the disturbed districts, yet nobody had been brought to trial. Government, indeed, had studiously avoided bringing the matter into any train of open examination. Though 140 persons had been arrested in the neighbourhood of Manchester alone, and though some of them were indicted, yet rather than bring them to trial government had sent down *certioraries* in order to remove the indictments into the King's-bench, and to prevent immediate investigation. How was this to be accounted for? How was this to be explained, except on the supposition that ministers felt that investigation might be unfavourable to the object which they had in view? There was another circumstance well worthy of notice, which was, that notwithstanding the parade that had been made in the first report respecting seditious libels, yet only one person had been brought to trial for an offence of this description, and that alleged libel which alone had been the subject of prosecution had been created by the very suspension of the Habeas Corpus act. Thus the measure had produced the very mischief which it pretended to remedy. He alluded to the case of Wooler. Looking at the last report, he found more than one passage corroborative of this position, that the act had rather increased than diminished the evil so much complained of. What did this prove, except that no permanent good could be expected from these boasted measures of repression? It was somewhat curious, that when government was already armed with the power of transporting any of these delegates who might be found offending, yet they carefully shunned what might be a useful example, preferred locking them up in obscurity, so that not even their names could escape to warn their fellows, or deter their followers, and thus their punishment was at once odious and useless. An hon. member had intimated that this measure was necessary for the repression of Luddism. He deprecated this idea, and conjured the House not to entertain it for a moment; for if it was once to be allowed that the suspension of the rights of the whole people was the only effective remedy for Luddism, he feared that the consequence would be, that the suspension act might last, not for six weeks or for six months, but for six years, or for sixty: for he feared that Luddism was not likely ever to be eradicated by such a proceeding, or within so short a time as some gentlemen contemplated. The last report seemed to acquit London from the charge of any connexion with the disaffected; at least it stated, in a very ambiguous manner, that the committee had obtained no specific information of any body of men associated in the metropolis with whom the disaffected in the country appear to be acting in concert. This ought to induce his hon. friend (Mr. Wilberforce) to regard the spirit, of which he was afraid, as less extensive and powerful than he had supposed it to be. He must confess, too, that after the petitions which had been laid on the table, and amongst others that from the place which his hon. friend (Mr. Wilberforce) had himself once represented, the town of Hull, numerously and respectably signed as it was, after the instances which had been produced of great oppression under the former suspension of the Habeas Corpus act, and particularly one which had been laid on the table that evening, and which related to a case of uncommon severity, he could not but be surprised how his hon. friend, with the knowledge he possessed of these facts, could still believe that none but the disaffected entertained apprehensions on the subject of the suspension of the Habeas Corpus act. He well knew the humane disposition of his hon. friend, who, he was convinced, could not have looked into the circumstances and situation of the country with his usual attention when he delivered this opinion. The kindness of his hon. friend to him would not permit him to suppose that he ranked him among the disaffected, though he frankly avowed that he was one of those persons who entertained most serious apprehensions from the passing of this measure. It was giving to ministers a power most dangerous to the constitution, and he cared not in whose hands that power might be placed. It was one of the melancholy signs of the times, that while, day after day, encroachments were making on public liberty, the answer to every complaint was, that the power which was given would be placed in gentle hands. Was there ever any despotic government which did not claim the right of exercising power on this ground? It was the interest of every sort of government to govern well; and when the most despotic enforced mischievous measures, it often proceeded more from ignorance or want of judgment than intention; but the only real security for the governed, was that responsibility of the government which it was the object of this measure to remove. He saw, besides, no particular reason for the satisfaction at the hands in which this monstrous power was now to be placed. The private character of the noble lord on whom the powers would devolve, he was sensible, was meritorious and praiseworthy; but he confessed that he did not entertain any respect for him as a public man. He could not reconcile himself to so light a way of speaking of the constitution as that which made the suspension of its most valuable privileges a matter of indifference, because certain persons, of whom a favourable opinion was entertained, were to be invested with the arbitrary authority which must be the consequence of that suspension. He could not, readily, join in that favourable view of the mode in which that authority was likely to be exercised, when he recollected that it was placed in the same hands that vindicated the violation of the statute for the protection of prisoners, and which in the Circular Letter to the lord lieutenants had taken upon itself to tell the magistrates how they were to exercise the discretion which the law was supposed to give them, and had presumed to declare to the magistracy what the law on extremely doubtful questions was. It was no slight objection to the bill that it was made to extend to Scotland, though the report afforded no ground for that extension. He would ask, whether it was possible to point out a sentence in the report which could afford a pretext for depriving Scotland of the protection of the act against wrongous imprisonment. He could state, that the disposition of the people of Scotland was most orderly and loyal; and this he could do, not upon vague and uncertain evidence, but upon the best authority. He alluded to the address lately voted by the general assembly of the church of Scotland to the Prince Regent. That address came from a body of the clergy, who did not, as was unfortunately too often the case in England, live absent from their charge, but who were always resident in their respective parishes, and intimately acquainted with the opinions and situations of their flocks. The address described the people as enduring the distress and difficulties they had to encounter with the greatest firmness, tranquillity, and patience, and congratulated his Royal Highness, that neither privations nor the corrupting influence of inflammatory language employed by seditious persons had been able to seduce the people from their principles of loyalty and allegiance." He must contend, therefore, that the people of Scotland were completely acquitted of any charge of disaffection. Why, then, were they threatened with the suspension of that act, which was justly regarded as the Magna Charta of that country? The noble lord had talked about the great responsibility under which ministers brought this measure forward. He must say, that the public was not treated with much respect when that argument was used. The ministers would incur no responsibility, and they knew that they incurred none: they were quite sure that the House whenever they asked for it, would pass a bill of indemnity; nay there could be no doubt that the same House which had refused to require the names of the persons who were now imprisoned under the bill, would, if the ministers wished it, give them an indemnity by anticipation for what they should hereafter do, as well as for what they had already done. His hon. friend seemed to make very light of the evils which might be produced by the exercise of these extraordinary powers, as if it was little that individuals might be carried off from their homes, and imprisoned in dungeons, without any of their friends knowing where they were to be found. His hon. friend supposed that such transactions could not take place without being soon inquired into, and that any act of oppression must speedily come to the knowledge of the public. That would indeed be true, with individuals of distinction like his hon. friend, or persons of any consequence; but who would inquire after unfortunate journeymen shoemakers or weavers? The obscurity of these persons rendered them liable to the greatest oppression. He did not know whether his hon. friend had been in the house when a petition was presented from an individual who had been detained seven years in close custody. There might be many such cases, and the parties, though no charge had been brought against them, were ultimately shut out from all means of obtaining redress. The noble lord had said that ministers had no interest in possessing themselves of this extraordinary power: on this point the public was not exactly of the same opinion with his lordship. The public in general were satisfied that the session has passed over in a very different manner from what it would have done, had it not been for the introduction of these arbitrary measures. An opinion prevailed very extensively in the country, that the noble lord and his colleagues had in some degree been obliged to the alarm they had raised for maintaining them in their situations; for what questions of economy or reduction of expenditure could be attended to when measures of such great magnitude were forced upon parliament? The prospect which the country had before it, he thought a very melancholy one. The two most powerful parties in the nation were the ministers and their friends, who were constant in their endeavours to increase the power of the Crown on the one hand, and on the other, those who professed not to be of any party, but who were proceeding steadfastly and most systematically to the objects they had in view. A part of their system was by misrepresentation, and by every other artifice, to destroy all confidence of the people in all public men, and this was a purpose which ministers had, whether inadvertently or by design, unremittedly contributed to promote, by having recourse upon all occasions, when their own measures were censured, to the acts of recrimination, not so much defending themselves, as attempting to prove that their predecessors were equally criminal, and inculcating a belief, that all who interfered in the public councils were only desirous to retain or to possess themselves of power. To such an extent by this extraordinary co-operation of opposite parties had this evil reached, that if the country were destined to experience any violent political convulsions, it was to be feared that the dangerous powers to which such a crisis always gives birth, would be wielded by men the most dangerous and desperate, whom nothing but so extraordinary a state of things could ever raise into importance. In the mean time each of these parties was strengthening the other's hands. The popular faction by acts of violence was affording a pretext to the ministers to destroy or to suspend all that was most valuable and sacred in the constitution, while the ministers, by the arbitrary measures they pursued, provoked the people to acts of violence and insurrection. How all this would end, what would be the result of that crisis, which each side seemed desirous to hasten, no man could say, but that when it came, it would bring with it evils and calamities, which every honest mind must look forward to with horror there could be little doubt; and he must say, adopting an expression lately used by the noble lord himself, it was his full conviction, that for those multiplied and aggravated calamities that noble lord and his colleagues would be chiefly answerable in the eyes both of God and man.

Mr. *Bankes* had reluctance in acceding to the measure, but he was convinced it was necessary, and had no fears that the powers it conveyed would be misused by the noble lord in whom they would be invested. They had no reason to doubt the regard of that noble lord for the constitution, who, when he sat in the chair of that House, had shown so much knowledge of the constitution, and so strong an attachment to its principles. He was satisfied that no other remedy could be applied to the existing situation of the country; and the circumstance of parliament being about to rise was, in his opinion, an additional reason for passing the bill, as the country ought not to be left unprotected during the prorogation. It was said, the conspirators were not dangerous, because there were no persons of consequence among them. It appeared to him, however, that they were the more dangerous on that very account. When persons of distinction are engaged in plots, if the heads be seized the whole business is over: but such was not the case with insurrections of the present description; for one head was no sooner seized than another Hydra started up. A most dangerous spirit had gone abroad, and he believed the well-disposed part of the country would be sorry to see parliament separate without passing the bill.

Lord *Milton* was against the bill, not only because it was an infraction of the constitution, but because it was not applicable as a remedy for the evil complained of. When he last opposed this measure, he had done it with a trembling hand and an aching heart. It was the only time he had ever had the misfortune to differ from one to whose opinions all his respect was due, and he had given his vote with great pain; but with what satisfaction did he give it now, knowing that that difference which then made him regret the course he was taking was removed. An hon. friend had stated that all the civil and military authorities in the disturbed districts were for the bill. He could tell him of one who now entertained a different opinion, and one whose opinion he believed his hon. friend was inclined to respect. That person (earl Fitzwilliam) had made a strict investigation into the situation of those parts of the country: and the result was, that he was perfectly satisfied that there was no ground for the present measure.—What was now proposed to be done? They were going to prolong a bill in a manner for which there was no precedent. If there was nothing to support the measure in point of precedent, there was still less to be said in its defence, on the ground of the hands to which the authority was to be intrusted. The love of power was predominant in the human mind, and there was no reason to suppose that the present ministers were exempt from the operations of this law of nature, which extends from the peasant to the throne Speaking of the throne, in which the passion for power was so generally admitted to exist, he could not refrain from alluding, as an instance in point, to a work lately published. He meant an account of the Life of James 2d. There was in the appendix to that work a very curious document, intituled "King James's Advice to his Son." That advice was known to have been transcribed by the fair hands of a lady in a high station, to which it would be unparliamentary for him to allude. That there should be any thing in such advice to delight the eyes of those who were brought to this country to maintain the Habeas Corpus act, to protect the liberties of the people, and to maintain that very constitution which James 2nd had violated, was most extraordinary. The advice given by king James to his son, which had met with such distinguished approbation, contained a sentiment to this effect—that it was a great misfortune to the people as well as the country, that the Habeas Corpus act had been passed, as it obliged the government to maintain a great force, and enabled the turbulent to prosecute their evil designs. This, it was alleged, had been the object of lord Shaftesbury in promoting the passing of the act. He had no doubt that, with all thrones, Habeas Corpus acts were great evils. For this opinion he had the authority of king James; he had also the authority of the government of France. There had been a struggle in that country in former times, the great object of which was, to obtain a constitutional law similar to our Habeas Corpus. The court of France, however, prevailed, and the history of the succeeding century and a half sufficiently proved what had been the lamentable effects of that success. He should now take the liberty to notice a passage in the report. It was stated, with respect to the metropolis, that the committee had received no specific information of any association. He had acceded to that proposition; but he must say, that the thread of evidence on which it was founded was most slender. He would repeat, that throughout the whole proceedings there was a disposition to give a stronger impression to the evidence of disaffection than he thought it fairly bore. On this account he had prepared a paragraph with the view of inserting it in the report to diminish the effect of that impression. He had also wished to introduce a proposition recommending the bringing the individuals accused to a speedy trial, a measure which was calculated to have the most salutary effect. "This," said the noble lord, "is a bill of attainder against the people of England. Do not talk to me of good kings and good ministers; that is not proper language for a House of Commons. I know of no kings, I know of no ministers, who are not disposed to increase their power, and therefore I say, let us preserve the Habeas Corpus act. Much has been said of the danger arising from seditious and inflammatory publications, and certainly no man can be more ready than I am to vote for the punishment of the authors; but if the ministers of this country shall persuade country gentlemen that the Habeas Corpus act is not to be held in religious veneration by the people, they will add much to the dissatisfaction which now prevails. I believe that this act will be administered mildly; so much the worse; because it must tend to create an opinion, that the people of this country can do without the great measure which our ancestors considered the principal security of their liberties. I would much rather have this power in the hands of those who would abuse it; because, in that case, the people would be more likely to value their liberties, and to demand the restitution of them. I admit that there may be considerable discontent in the country. Great distress exists in all classes of the community, and wherever there is distress there must be also discontent. Let the ministers restore prosperity to the country, and we shall hear no more of the risings of the people. I consider the bill unnecessary and uncalled for by the existing state of things, and I believe it will rather increase than allay the spirit of disaffection which is said to prevail in the country.

Mr. *Courtenay* supported the motion. The question at present was, first, whether there was danger existing in the country, and then whether the remedy proposed were applicable and sufficient? In 1812, a danger something similar to the present existed, but it was without the peculiar character of having a great physical force applied to political purposes.

Sir *J. Newport* observed, that no one had yet told the House how this measure was to remedy the evil which was said to exist. The arguments which had been adduced were of no greater weight than when this measure was first recommended to the House; and as he thought the danger still less at this moment, he should certainly vote against the bill.

Mr. *Elliot* said, he would pass by entirely the objection against this measure, that it would be an encroachment on the constitution, because he was satisfied that no lover of his country, no Englishman, could tolerate such a measure without a conviction of its adequate necessity. Parliament having reserved to itself the power of re-considering the state of the country before its separation, the question turned upon the nature and extent of the danger that existed. It certainly appeared to him, that there was a systematic design to corrupt the lower classes of the people, particularly in the manufacturing districts, which comprised the most efficient part of our population. If Luddism took a favourable turn, it was capable of being converted to the worst of purposes. The peculiar danger which he saw was in the mind and temper and disposition of the people. Who could contemplate the fact of great bodies of people turning their attention to arms and ammunition, without feeling the necessity of adopting precaution? Slight as this mischief might appear to some, it was of a character to associate to itself greater force, and it would work even into higher classes of the community. He was aware of the argument, that the spirit of disaffection and rebellion was confined to low persons; but he did not know that men of that cast were not peculiarly calculated to effect the object which they had in view. A government might be overturned by people of the lowest rank, though greater abilities were required to recover the scattered elements. No one could doubt that the object of the Manchester expedition was force. The circumstances of that case established the fact of influence: it was a concerted plan undertaken by demagogues, and intended to be carried into execution by armed men. The demagogues harangued, and the people followed. These people were capable of doing considerable mischief, and were actually doing it: and if we were now to withdraw this measure, we should give them a fresh impulse. Upon the whole, he thought this precaution necessary for the preservation of the lives, the property, and the liberties of the country; and although he lamented exceedingly to have occasion to differ from his noble friend, lord Milton, whose decision, from his superior means of knowing all the evidence, made him reel and stagger when he ventured to express a contrary opinion, yet he found himself bound in conscience to give his assent to the bill.

Mr. *Brougham* said, the question simply was, had the House evidence to prove that this measure was absolutely necessary? Upon that question he said, no. He did not mean to impeach the integrity of the committee, but men might be mistaken, and it was of the nature of alarm to be infectious. By the second report it was asserted, that the treasonable practices were confined to the country, while the first had insisted that the whole centered in the metropolis—a contradiction of no small importance, because there was a wide difference between an organized plan in the heart of the empire and the seat of government, and a scattered and uncombined discontent in distant parts of the country. It was not a little curious to contrast what was inserted in the first report as fact, and as reason for unlimited alarm, and what had now come out to be the truth on the recent trial. The report talked of numerous leaders and of large funds, and of one individual in particular, Thistlewood, as having pecuniary resources, not only for providing arms, ammunition, and equipments for horse and foot, but for the payment of the wages of the thousands who were thrown out of employ in consequence of his plot, and who engaged to devote their labours to its accomplishment, demands which the fortunes of the dukes of Devonshire or Bedford would be incapable of answering. What appeared to be the fact, but that this man of inexhaustible wealth was in reality so poor as to be unable to appear on his trial in court in the ordinary dress of the country, but was content to put up with the jacket and trowsers of an old sailor. When the managers were arrested, they were found in a miserable garret, two or three in one bed, and in the depth of winter covered only with a single blanket. At least, therefore, if it were true that they had immense funds at their disposal, they had behaved most disinterestedly in appropriating no part of them to their own purposes. The subscriptions of which the first report said so much, amounted in the whole to 1*l.* 2*s.*; and the whole scheme of summoning the Tower, taking the Bank, and seizing the bridges, was as contemptible in its reality, as the report had endeavoured to make it important in the representation. The cavalry was to consist of horses taken from hackney-coaches at a time of night when there were none in the streets; and the general who was to lead them had been appointed to his command, not so much because he could ride as because from his lameness he could not walk. All the craft in the Thames, like the Tower, was to be captured by a single rebel; and when a few barges had been furnished with one gun each, they were to proceed to the Nore, to capture all the first-rate men of war there stationed for the protection of the river. Upon the subject of the ammunition waggon the report had been very diffuse; and the right hon. member for Liverpool had added to the gross exaggeration by his taunt, that he could see no connexion between a peaceable meeting for reform of abuses and a waggon loaded with military stores: yet what did it turn out to be but an ounce or two of powder in a little tin-canister and a few bullets in the foot of an ancient stocking. These, too, placed in the waggon by the miscreant and accomplice Castles, or by some person employed by him for the purpose. Having thus contrasted the truth with the statement, was he not warranted in saying, that if the members of the committee who agreed to the last report were now called to confirm their former opinion, they would at least hesitate before they arrived at the conclusion. The right hon. gentleman who spoke last had observed, that his alarm was occasioned because he plainly saw that some men in the country entertained a design to corrupt the principles and pervert the allegiance of the lower orders; but what evidence was there of any such attempt? Did he refer to the men recently acquitted, and who had thus been cleared of the guilt of treason, but who still were not free from a heinous offence, for which they had been tried, they would doubtless have suffered the punishment of the law? After the exposure they had undergone—after the crimes in which they were involved, and the stigma that still remained upon them, it would indeed be a subject of deep regret, and of more astonishment if these wretched companions and associates of Castle received any portion of the support or confidence of their fellow-countrymen. Did the fears of the right hon. gentleman then arise from the recent discoveries at Manchester, in a county where discontent undoubtedly prevailed, because the distress was peculiarly severe? Were there, however no laws to check these discontents? Were there no adequate laws in 1792 and 1793, a period of ten-thousand times more danger than the present? Passing over the intermediate period, was there no discontent in 1812, when Luddism was at its height, and when all the formalities of a green bag and a secret committee were gone through to give it importance? and yet ministers had not then ventured to propose the suspension of the Habeas Corpus? The late member for Yorkshire (Mr. Wilberforce) had insisted, that no resemblance could be drawn between the suspension bill and the *lettres de cachet* of France, and he had no apprehension of abuse; but surely when he so said, he had forgotten the names of Castles, Reynolds, and Oliver; and, had forgotten too, when he talked of the controlling superintendence of parliament, that the House had refused to do any thing in favour of the liberty of the subject, and had recently rejected a motion to assert the right of magistrates to visit the prisoners of state. As he did consider this ground very tenable, the same hon. member had, with all the simplicity of innocence, put it to the House, whether it could suppose that such a man as lord Sidmouth would abuse the powers intrusted to him? It was an old saying, that if all men were angels, despotism would be the best government; but as that was not the case, the law had wisely provided securities both for the rulers and the ruled; and however mild, gentle, and inoffensive might be the disposition of the noble secretary for the home department, he might be the instrument if not the agent of abuse. The noble secretary was not infallible; he might, like other men be deceived; and that his sagacity might be imposed upon recent experience had shown, for he was the admitted and recorded dupe of the informer Oliver. Private malevolence might find its way where self-interest had already made a lodgment, and the footing Oliver had gained in the home department might lead to the establishment of others, with designs equally desperate and wicked. Oliver might point out a suspected individual; and a second informer, a second brewer of plots and mischief, apparently from another quarter, might direct the penetrating eye of the noble secretary to the same unhappy person; and the noble secretary lost in the strong conviction of the guilt of an innocent man, confounded by the cross-fires of positive evidence he had so cunningly obtained, might condemn him under this bill to solitary and indefinite confinement. Much had of late been said upon the employment of spies, and it was asked whether there existed any charge against the moral character of Oliver? Was it nothing to prove that he was a spy and an informer, that he had employed the names of sir F. Burdett, lord Cochrane, and major Cartwright, to inveigle the unwary, and to lead them into crimes by which their lives would be forfeited? Was it nothing against his moral character to prove that he was a cheat in fact, and a murderer in contemplation? Could a more blackened a more blood-stained villain be found, than a man who went about the world to ensnare, that he might betray, and to corrupt, that he might destroy? The hon. and learned gentleman then proceeded to censure the period at which this question was agitated: viz. the eve of a prorogation, which would give ministers the power of continuing the operation of the measure at their own pleasure. It was his firm conviction, that the existing laws were adequate not only to prevent the mischief, but to punish the guilty. If it were said that ministers had not evidence to bring offenders to trial, what was it but a confession that the suspension bill was to enable them to punish without proof 170 individuals already in their power in Lancaster castle and other prisons of the kingdom? He felt no such alarm as the two reports of the committee endeavoured to excite; and he was prepared to set against them, and the evidence on which they were founded, the venerable authority of lord Fitzwilliam, who notwithstanding his constitutional unwillingness to be lulled into security where any real danger existed, was convinced that the fears of the supporters of this measure were without foundation. It was said by the supporters of this bill, that in times of danger the constitution required support. He begged leave to protest against this doctrine; the constitution of England was not made merely for fair weather, and if it could not defy and out-live the storm, it was not worth preserving. If this measure were unfortunately passed, he hoped never again to be compelled to listen to the pharisaical cant of—how much happier and more free the subjects of this country were, than the nations by whom they are surrounded; for what did the suspension of the Habeas Corpus act prove, but that the constitution of England was of no use, and the liberties of Englishmen of no value.

Mr. *Canning* said, however much gentlemen might differ as to the conclusion to be come to, there was a pretty general agreement as to the grounds on which the subject was to be argued. There were three distinct questions for decision:—First, Was there danger in the state? Secondly, Were the ordinary laws sufficient for its suppression? and if not—Thirdly, Was the specific measure proposed one which supplied the deficiency of the ordinary laws, and was directly applicable to the danger? If any one of these questions could be answered in the negative, he was perfectly willing to admit that the House ought not to consent to the third reading of the bill; but if, as in his conscience he believed, they must all be answered in the affirmative, then could not the House discharge its duty to the country, except by sanctioning the measure with the least possible delay. The hon. and learned gentleman had undervalued that danger to such a degree, as to make it appear ridiculous that any remedy should be sought for. Up to the period of the debate at which the hon. and learned gentleman had spoken, no person—so far as he (Mr. C.) believed—had distinctly maintained such a proposition. The hon. and learned gentleman had contrasted the information in the first report, with what he was pleased to consider as the complete refutation of that report, by the acquittal of the persons lately brought to trial. God forbid, that he (Mr. C.) should not go as far as himself in admitting the effect of that acquittal, so far as concerned the persons themselves. Undoubtedly it absolved those persons from the technical guilt of high treason. But did this absolution of the individuals negative the existence of the crime? Because Mr. Watson and others were not proved by such evidence as the jury thought fit to credit, to have been guilty of the crime laid to their charge, did it follow that all that was laid to their charge was harmlessness and innocence? Did it follow that there had been in those designs, as the hon. and learned gentleman seemed to think, not only no criminality, but no real and substantial danger? Did it follow that the government had done wrong in bringing before a jury the question, whether such designs were innocent or criminal,—or that amidst the preparation of such projects as were proved beyond doubt to have been prepared, the state might have remained safe without having recourse to measures of precaution? It was easy to underrate the danger now that it was dissipated—to compare the means employed with the objects in contemplation—and to expose their utter disproportion and incongruity. But to such arguments does not history, and recent history, afford too striking a refutation? Who could have believed, *à priori*, that the mob of Paris would sack the palace of their king, and lead him in triumph to the capital?—As to the technical designation of the crime,—whether treason, or riot, or insurrection,—surely the hon. and learned member must recollect that at an earlier period of the year, when these men were first tried, it was made one of the charges against the officers of the Crown, that they had abandoned their duty in indicting them for the lesser offence,—that if there was any thing at all against them, it must be a charge of high treason, and for that only could they be put on their trial [Hear, hear!].

The hon. and learned gentleman had next attempted to discredit the whole statement of both the reports, and the evidence on the trials, because the information had been derived in some degree from spies. Was it meant that government should receive no evidence of treasonable designs but from men of unimpeachable moral character? What plot was ever discovered by men who were found actually blameless in all the relations of life, and who were engaged in treason only for a day, and by accident? Did the mere fact of informing take away all credit of the information? Did the hon. and learned gentleman mean to say, that if the peace of the country, in consequence of his learning and talents, were committed to his hands, he would altogether have rejected such evidence? If so, he would be precluded from the best means of detecting and defeating conspiracies, and would abandon the duties of the office intrusted to him,—one of which—and one for which it is armed by act of parliament with special authority and special means—is to detect (through informers) conspiracies against the state. One thing, however, he must state, which he thought must be satisfactory. It was, that on the testimony of the spy particularly alluded to in this debate, no one human being had been arrested or molested [Hear, hear!]; and that every communication from him was laid *in extenso* before the committees of both Houses of Parliament.

The second point in question was, whether the evil which had grown up in the country, did not require to be met and controlled by laws more efficient than any now existing? To establish the negative of this proposition, some gentlemen had been willing to resolve the whole of the mischief which now agitated and alarmed us into Luddism. Luddism was, no doubt, a canker in the country highly desirable to be eradicated: but let it not be supposed that measures even against Luddism would have met with a ready concurrence from those who are now so active in recommending them. Five years ago, when measures deemed necessary for this purpose were brought forward, a most active and persevering opposition was made to them from those very quarters in which Luddism was now represented as the only evil requiring our attention. But neither would the re-enactment of those laws, nor of any laws against Luddism, specifically meet the present evil in the country. The principles at work are those which may seize upon the established system of Luddism, and employ it as an instrument; but they point at wider objects, and tend to more spreading destruction. The combinations of Luddism might furnish the means of quicker and more concentrated action; but the master-spirits who were now stirring the populace into disaffection had other objects of enmity than frames and manufactories—they looked to the subversion of the kingdom. To meet *this* evil, was a law which gave a power of temporary detention of persons suspected of treasonable and revolutionary designs, a fit and adequate remedy?

As to the objection, that the powers demanded would be placed in improper hands, he would only say that he asked nothing in confidence; but that believing, as he did, those powers to be necessary, he could not conceive the administration, framed out of gentlemen of this country, to whom he would not confide them. As to the noble lord at the head of the home department, it was indeed altogether a new charge to say that he was by nature a tyrant,—that

> "Turn'd a tyrant in his latter days,
> He lost the merit of his former praise."

One noble lord, indeed, had made a counter accusation, and had apprehended danger from the lenity and mildness of the minister in question. He left these conflicting charges and apprehensions to balance each other. He did not mean to undervalue—he never had undervalued the sacrifice made by the temporary suspension of the undoubted right of every subject of this country to be brought to trial immediately upon his arrest on charge of crime. But this sacrifice is to be compared with the interests which it is calculated to preserve. He (Mr. C.) had been reproached with arguing that the British constitution was pliable, and would yield to circumstances without lasting detriment or dilapidation. He had so argued: nor would any thing that he had heard that night drive him from an argument which he thought strictly true; and he did think a temporary suspension of liberty a much less evil than a lasting enactment equally powerful against disaffection, which he trusted was but the disaffection of a day.

As to the often repeated, and as often refuted fallacy, that it was against the people of England that we were called upon to pass this measure, he would not waste words in combating so palpable an absurdity. Was it the people of England who were to be imprisoned? No: it was the people of England who were to be preserved by putting a stop to that fermentation which, if suffered to proceed, would explode and destroy them. To save the deluded from the deceivers,—to rescue the wicked from themselves [Hear, hear!] from the maturity of their own projects, and from the consequences of their perfected criminality; to reserve them for repentance, and for the hopes and softening influence of better times,—such was the object, and such would, he doubted not, be the effect of a measure which had often saved the constitution that it was admitted to violate,—and which never was more necessary for that purpose than now [Hear, hear!]. He did not think the picture of the country drawn by the hon. and learned gentleman (sir S. Romilly) to be true in any of its parts. By pursuing this system, said the hon. and learned gentleman, parliament was pushing the people to despair. The people!—No—For what the parliament had done and was now doing to save the people, it merited—aye and received the good wishes, the applause and thanks of every thinking man in the country. There was a morbid sensibility which felt only for crime, but which thought nothing of all the miseries, injustice, and outrage which were inflicted by the criminals upon the innocent. But he (Mr. C.) looked on the country with different eyes, and felt that he had a different duty to discharge. He was convinced that those who voted for the bill, no less than those who opposed it, considered even the most criminal as objects of merciful consideration. But it was in behalf of those whose lives were embittered, whose safety was endangered, and whose tranquillity was perpetually disturbed by the machinations of the disaffected, that he would enable the government to take from among the people for a time, those who were disturbing them and putting them in danger, and thus to preserve both the criminal and the innocent from one common destruction [Hear, hear!].

Lord *Folkestone* confessed that there had been a smile on his countenance at one part of the right hon. gentleman's speech, and that it did strike him as extraordinary, even, after the reconciliation that had taken place, to hear the right hon. gentleman stand up for the talents of that poor doctor who had so long been the butt of his most bitter and unsparing ridicule [loud cries of Hear!]: a creature, the diagnosis of whose characteristic infirmity had so repeatedly amused the right hon. gentleman—

> The symptom a dulness that's fix'd in the head,
> A dislike to all changes of place—

Whether in poetry or prose, the great object of his derision, and that for want of ability and sense, had been the noble lord whom he had so strenuously defended that night; and now, forsooth, he wondered that any person could object to confide unlimited power in the hands of such a person. In no hands would he confide such uncontrouled power, but least of all to the noble secretary; for, in his opinion (and in the right hon. gentleman's formerly), he did not possess the sagacity requisite for the discharge of such a trust.—The noble lord then proceeded to point out several inconsistencies in the arguments by which it had been attempted to support the measure: among others, he contended that either the prisoners lately discharged, if guilty, were turned out to increase the amount of discontent and disaffection, or if innocent, had been most grievously injured. The right hon. gentleman bemoaned the heavy responsibility of ministers. But what could be the amount of that responsibility, when the House was refused the names of the parties committed, under the pretence of a fear of affording communications to the disaffected; who, if they existed, could not exist without knowing already the names of those with whom they were connected? He believed that the bill was pressed for the purpose of intimidation. A distinction had been attempted between the powers granted by this bill, and that exercised in France by *lettres-de-cachet;* but there was no difference between the two. There might be some danger, he admitted, from the release of apprehended persons, in the influence that it might have on those who were considered disaffected; but that was not enough to incline him to agree to renew the suspension. If the suspension were passed for several months more, the reasons would be still stronger for the continuance of it; for it was not improbable that the disaffection would be increased. If it was good now, it would be made to appear so then; and by the reasoning upon circumstances it might be rendered perpetual. He entreated the House to pause before they consented to the perpetuation of a measure which was of the nature of that horrible inquisition, which led in a main degree, to the French Revolution, and which, if carried long into practice in this country, might destroy all that was most valuable in our constitution.

The House divided: Ayes, 276; Noes, 111; Majority, 165.

List of the Minority.

Anson, sir G.
Atherley, A.
Aubrey, sir John
Burroughs, sir W.
Baring, Alex.
Brand, hon. T.
Brougham, Henry
Burdett, sir F.
Browne, D.
Birch, J.
Barham, J. F.
Barnett, J.
Bennet, hon. H. G.
Byng, Geo.
Barclay, C.
Broadhurst, J.
Baker, J.
Carter, J.
Calcraft, John
Cavendish, lord G.
Cavendish, hon. H.
Cavendish, hon. C.
Campbell, lord J.
Campbell, hon. J.
Cochrane, lord
Coke, T.
Caulfield, hon. H.
Duncannon, visc.
Dundas, hon. L.
Dundas, Chas.
Douglas, hon. F. S.
Fazakerley, N.
Folkes, sir M.
Fergusson, sir R. C.
Fitzroy, lord John
Folkestone, visc.
Fellowes, hon. N.
Gaskell, Benj.
Gordon, R.
Guise, sir Wm.
Gurney, Hudson
Heathcote, sir G.
Heron, sir R.
Hughes, W. L.
Hanbury, Wm.
Hill, lord A.
Howard, hon. W.
Latouche, R.
Latouche, R. jun.
Lester, B. L.
Lemon, sir Wm.
Lloyd, J. M.
Methuen, Paul
Macdonald James
Mackintosh, sir J.
Madocks, W. A.
Martin, H.
Martin, J.
Molyneux, H. H.
Monck, sir C.
Moore, Peter
Milton, visc.
Markham, admiral
Mostyn, sir T.
Newman, R. W.
Newport, sir J.
Neville, hon. R.
North, D.
Nugent, lord
Orde, W.
Ossulston, lord
Osborne, lord F.
Palmer, col.
Parnell, sir H.
Peirse, Henry
Pelham, hon. C. A.
Pelham, hon. G. A.
Piggott, sir A.
Ponsonby, rt hon. G.
Ponsonby, hon. C.
Powlett, hon. W.
Preston, R.
Pym, Francis
Portman, E. B.
Protheroe, Edw.
Ramsbottom, J.
Ramsden, J. C.
Rancliffe, lord
Ridley, sir M. W.
Romilly, sir S.
Rowley, sir W.
Spencer, lord R.
Scudamore, R. P.
Sefton, earl of
Sharp, R.
Smith, W.
Smith, J.
Smith, Robt.
Smyth, J. H.
Shaw, sir James
Tavistock, marquis of
Taylor, M. A.
Tierney, rt. hon. G.
Walpole, hon. G.
Waldegrave, hon. W.
Webb, Ed.
Warre, J. A.
Wharton, John
Williams, Owen
Wood, Matthew
Webster, sir G.

TELLERS.

Abercrombie, hon. J.
Althorp, visc.

PAIRED OFF.

Baillie, J. E.
Calvert, N.
Calvert, C.
Curwen, J. C.
Foley, hon. A.
Howorth, H.
Lambton, J. G.
Latouche, J.
Lefevre, C. S.
Morpeth, visc.
Plumer, W.
Shelley, sir J.
Symonds, T. P.
Townshend, lord J.
Western, C. C.

HOUSE OF COMMONS.

Tuesday, June 24.

Election Laws Amendment Bill.] Mr. *Wynn*, after some prefatory observations, in which he represented the existing inequality in the duration of polls at elections, and the necessity of some regulations to prevent inconvenient delays, on that subject, as well as to diminish the expenses incurred by the candidate in the erection of hustings, the giving away of ribbons and cockades, &c. moved for leave to bring in a bill to alter and amend the laws concerning the election of members to serve in parliament.—After a few words from Mr. Curwen, Mr. Long, Mr. Butterworth, who remonstrated against the proposition for relinquishing the practice of giving away ribbons, the lord mayor who stated the present depression of the ribbon trade, Mr. F. Douglas, and Mr. Bennet, leave was granted.—Mr. Wynn subsequently brought in the bill, which was read a first time.

Confiscation of Property in Denmark.] Sir *J. Mackintosh* presented a Petition from certain British merchants who had suffered the Confiscation of Property in Denmark, in 1807, in consequence of the unexpected bombardment of Copenhagen, at a time when we were on friendly terms with Denmark. The original value of the property confiscated was 200,000*l.*, but the claims had, by various circumstances, been reduced to 100,000*l.* The droits of the admiralty occasioned by the attack on Copenhagen, and the seizures in consequence, amounted to two millions, so that 5 per cent. on this sum would relieve the petitioners. A long negociation had taken place between the petitioners and the treasury; the petitioners founding their claims on the ground that one of the principal purposes of the droits of the admiralty was to relieve sufferers by the accidents of war. A precedent of a similar grant to that required was to be found in the compensation given to British subjects for confiscation of their property in Spain, which compensation was granted out of the proceeds of the Spanish frigates seized before the commencement of hostilities in 1805. The petitioners were encouraged to rely on the justice of their case by the proposition made in the other House in 1808, that the whole of the droits resulting from the Danish expedition should be retained, with a view to their ultimate restoration to Denmark with the exception of as much as would compensate the British merchants whose property had been confiscated in that country. No doubt the noble lord who made that proposition and who was at present the secretary of state for the home department, was still of the opinion which he then expressed. The treasury, however, refused the claims, on the grounds; first, that it might establish a precedent for similar compensations in foreign wars; forgetting that the compensation granted to the Spanish merchants had already done that; and secondly, that it might appear to be a recognition of the principle on which the Danish government seized the property, than which nothing could be more futile.

Lord *Lascelles* supported the Petition. He had presented many memorials from the petitioners to his majesty's government on the subject; and although he allowed that the general principle of national policy was against granting such compensations, yet, under the very peculiar circumstances in which the petitioners had been placed, he thought they were justly entitled to it.

Ordered to lie on the table.

HABEAS CORPUS SUSPENSION BILL.] On the order of the day for the second reading of this bill,

The Hon. *F. Douglas* said, that the present measure was a suspension of the general liberties of the country as a remedy for a local and a partial disease. The effect of the bill was to enable government to keep in confinement, such individuals as they would otherwise be compelled to bring to open trial. On all former occasions, when a suspension of the Habeas Corpus act was obtained, the evil against which it was intended to guard, was of an extensive and general nature. In the report laid before the House four months ago, it was stated, that a combination to overthrow the government and constitution of the country existed throughout the greatest part of Great Britain. But it was impossible now to maintain, that the disease was of so general a nature. The idea of a general combination had been not only disproved by statements submitted to the other House, by accounts to which the utmost credit was due from several of the places stated in the reports as tainted with the disaffection, but by the verdict of a jury at Norwich, and at Westminster-hall. The last report exclusively referred to the lower classes of individuals in the large manufacturing towns. But even in this point of view the report did not appear to be borne out by facts. With respect to Birmingham nothing could exceed the patience, good conduct, and loyalty exhibited by the population during a long continuation of sufferings and privations. The allegation in the report with respect to that place he considered as resting on no proof. And even with respect to Manchester, out of the 12,000 people said to be assembled in March, with the idea of proceeding to London, it appeared that not more than 50 reached a distance of 50 miles from the place. Did that look as if the combination was so general as had been stated? The evil, therefore, was restricted and partial, and if the evil was partial, in God's name then let the remedy also be partial. This universality with respect to the operation of the measure, was what rendered it so very dangerous in the way of precedent. He should prefer much stronger measures, if confined in their operation; he should even prefer to subject the disaffected districts to the operation of martial law. It was too much, however, that because districts in a remote part of the country exhibited symptoms of disaffection, the other parts of the country should also be deprived of their liberties. It was the very mildness of the execution of the measure in the sound parts of the country that was most to be dreaded; when people saw that the suspension of their liberties was attended with no personal inconvenience to them, they gradually ceased to reverence those liberties as they ought. To the sort of spirit which was said to exist in the manufacturing districts, the suspension of the Habeas Corpus would not apply. What had been the effect of the measure? When the leaders, as they were called, were arrested at Manchester, other leaders were immediately found to supply their places; and this would always be the case. A great objection to this measure was this, that, like all other despotic measures, it could only be supported by treachery and fraud. The report of the Lords was cautiously worded, as all reports generally were; but when mention was made in that report of the encouragement given by informers, this was much too collective an expression to mean only one informer. They were all aware how easily a populace might, at times, be impelled by an unguarded word to acts at which on other occasions they would have startled; and this was particularly the case with a populace already half seduced by their distress. Hence the whole of the evidence submitted to the committee was of a very doubtful kind. There was nothing like a general combination in the present disturbances—they were merely local combinations for purposes of outrage and violence. The evil was to be met by a vigorous execution of the laws. There might be times when we ought to surrender a part of our liberties for the sake of the whole. But this could only be after other remedies had been tried and found ineffectual.

Mr. *Lockhart* said, the only question for the House was, whether an adequate necessity had been made out for the suspension of the liberties of the country. He contended that this necessity was not only made out from the report, but from the arguments of the hon. gentleman who opposed the bill. All of them admitted the existence of danger, and that the danger was not tangible by the ordinary exercise of the law. Indeed, the hon. gentleman who preceded him was willing to subject the disaffected counties to the operation of martial law. The disaffection had its chief seat in six or seven counties; but the danger was not confined to these counties; endeavours were made to propagate the disease in other quarters by delegations and missions. Endeavours were made to eradicate all religion from the minds of the people, to prepare them for their pernicious doctrines. No other law could be more applicable to the offence than the law before the House. He allowed that nothing could be more abhorrent to the feelings of a gentleman, or even more at variance with good policy, than the employment of spies in general. But it would be a great reproach to every government, if it did not make use of every engine in its power to discover the nature and extent of any danger which threatened the country. The same reason which sanctioned the use of spies in a state of war, sanctioned it in the present case.

Mr. *Curwen* said, it was painful to reason against a measure which the House seemed determined to pass, but from a sense of duty he was obliged to protest against it. The first suspension was, in his opinion, unnecessary. Subsequent events had proved that there had been no danger in the plot which had been so much relied on. The whole had been found to have originated in the machinations of six miserable individuals. The ministers had recently shown a defect of judgment, which should not encourage the House to bestow on them any extraordinary powers. They had tried persons for treason, whom, if they had tried for an inferior crime, they might have convicted with the approbation of the community. They had also displayed a readiness to employ spies and informers, which was calculated to awaken the jealousy of the country. It was sometimes necessary to obtain the information from persons of bad character, and to pay them for it; but ministers, not content with this, had bestowed honours on them. What were the effects of the suspension act? Ministers had put in prison thirty-five individuals of no character, of no reputation, of no talent. There had been nothing in any of the plots which had been talked so much of since the Spa-fields row at all calculated to alarm any thinking man. So little alarm was there in Manchester after the intended insurrection of the 30th of March, that on the day after a gentleman who was a magistrate, passed through Manchester and never heard a word of it till he was six miles distant from that place, when they asked him, to his great surprise, whether half Manchester was not destroyed. If the persons apprehended were brought to trial, the existing laws, he had no doubt, would be found fully sufficient.

Mr. *Vernon* said, that although charges and imputations might be cast upon him for his conduct, he would not cringe before the tyranny of clamour, but would support the present measure. It was a libel upon the constitution of England to say that the suspension affected it; it was not so ill founded, its parts were not so slightly connected, its materials were not so brittle, as to be so affected. The liberties of the whole people of England were not suspended: "Let the gall'd jade wince." There were two causes that would operate to prevent the abuse of this law—1st, the arm of the law extending from the dregs of the people to the highest rank of power and dignity; 2nd, the superintendence of that House, which was not callous to any well-substantiated case of individuals or bodies, or politically servile to any party views. Prudence condemned, and feeling revolted, from, setting fire to combustible materials, or introducing the iron hand of power into a gunpowder magazine; but it was prudent to prevent the accumulation of the elements of ignition. It was said that juries at Norwich and Westminster had disproved the existence of danger. As well might it be said, that if a man had his head and hands cut off, he was not murdered, because the person tried on suspicion was acquitted. The rioters of Spa-fields made no attack upon butchers or bakers shops, though they were half famished. This was decisive of their intention. The people would feel their security confirmed by the passing of the present bill.

The *Lord Mayor*, after the able and eloquent speeches he had heard on his side of the House last night, speeches which appeared to him irresistibly convincing, but which the division proved not to be convincing on the other side, did not indulge the presumption, that he could add any thing to what was so forcibly argued, or make any impression on those who had last night resisted the arguments urged; but he thought it a duty he owed to the situation he had held for a considerable time back, and to the place he now occupied as a representative, not to give a silent vote on this question. He should be obliged sometimes to speak of himself; but from the situation he held, and the exertions he had made, this was unavoidable. His exertions, he would fairly state, were constant and effectual; but they were not treated as they ought, by persons whose duty it was to pay his situation and his conduct more respect. On the day of the Spa-fields meeting, he took every step to prevent riot or outrage; he summoned all his men to attend; he was himself at his post. He came into possession of many letters connected with that business: many of them threatened that he himself would be shot, but these he disregarded. All the papers that seemed worthy of the least attention he sent to the secretary of state; but he must observe, that they had no mark of authenticity. He had discovered that they were written by designing persons, whose object was to create alarm, and not rebellion. He had papers that would employ and amuse the House till this bill expired; and if they would examine them, he should be happy to procure, by such means, liberty to the people of England to breath one day in freedom. There was one paper, however, which he would beg leave to read to the House. It referred to the Spa-fields meeting, and was written by one who was himself and his family always attached to the government. The paper to which it referred was sold for one-penny, though it could not be printed for less than 3½d. This was a proof that the printer was employed, and paid otherwise than appeared at first view. He begged not to be misunderstood. The paper he was now about to read was not sanctioned by his majesty's ministers, but the paper to which it referred was. This paper was put up in several very conspicuous places — "Spa-fields row. A penny's worth of truth. Go it my boys." He would appeal to the House whether that paper did not excite to riot; and whether, if it had proceeded from the other side, it would not have been thought worthy of prosecution? But this most inflammatory and mischievous paper advertised a publication sanctioned by ministers. As to the meeting when so many met together at so early an hour, when a few leapt from a waggon, and, joined by others, proceeded towards the city, all in presence of the magistrates and their assistants, when the cry was raised at one time, "To the Tower!" again, "To the Lord Mayor!" —why were no steps taken to prevent them? Why was no communication made to him? The first communication he had was from one who was not much attached to his majesty's ministers, but who loved his country, and deprecated the shedding the blood of his fellow citizens. The officers were not in attendance with him so early, because they had been at an execution that morning. The moment he heard the mob was advancing towards the city, he went out with sir James Shaw and five constables: the first time he saw them they were in Cornhill, the number at least 2000—a great number with arms, many of them firing in the air; they went to the back of the Exchange near the Bank; the colours and three prisoners were taken; two shots were fired at the lord mayor in the Exchange: he then shut the gates, went to the gates in Cornhill, and dispersed the whole of the mob, went towards the Minories; not a man was seen with arms. It ought to be recollected, that in the pretended attempt on the Tower, they never proceeded to the

Tower gates. One man addressed a soldier across the ditch, as he stood at the bottom of the Minories. The whole, then, of this mob, from a meeting of 15,000 persons, was at once dispersed without any military force. What was wanting in the laws in this case? In what respect were they inadequate to the danger? He afterwards found some papers in the pockets of a man whom he since understood to be Watson. He found Preston lying on the floor, there being no bed, and his two daughters in the same room, with scarcely any covering. No paper whatever was found in that room. On his examination Preston talked of many thousands marching up to London to take it. This was the mighty danger that called for the suspension! After all, this alarming insurrection was put down in one hour (for it did not really last so long), and without any force: was it to be gravely said, that the laws were not sufficient, and that the liberties of all England must be thrown at the mercy of the secretary of state? From that time to this there was no meeting in London. There was no evidence of any meeting; nay, their committee expressly admitted that there was none. As to another part of the country, with which he was connected, where the population was very great and the distress almost insupportable, where multitudes were obliged to endure the severest labour and toil, without sufficient sustenance, many living on four or five ounces of barley-bread in the day, yet in that extensive, populous, and distressed county (Cornwall), there was the greatest tranquillity. This was to him clear proof that the suspension was not required. But the advocates of the measure say that the law was not sufficient. The law indeed was not sufficient to punish where there was no offence; therefore this suspension of law is necessary in order to imprison upon mere suspicion. These were his views and feelings on this question: he was sensible that he could not, particularly after the able dicussion that had taken place, add any thing new; but in the circumstances in which he was placed, he could not give a silent vote [Hear, hear!].

Sir *W. Curtis* allowed all credit to the lord mayor, for his conduct on the occasion to which his speech referred, but he denied that the effect of the present measure would be to deprive the people of England of their liberties; nor did he think it true that his exertions had been the only obstacle to the success of the traitors who would have deluged the city in blood. Good and loyal men would not have remained inactive while their property and their lives were in danger. The Spa-fields riot should not, however, have been treated in the manner it was treated by his right hon. friend, and considered a little disorderly disturbance. His right hon. friend himself allowed that the multitude had arms; that they had fired their guns in the air to show how formidable they were; and in his (Sir W. C.'s) opinion, a mob so disposed and so prepared should be considered rather as engaged in treason and rebellion than in a common tumult. Those people said they met for the purpose of petitioning for reform; he did not believe a word of the statement. Of what use was their arms, if they meant peaceably to petition? Were muskets and military implements the instruments of quiet reform? No; they wanted no reform; they meditated rebellion, and intended plunder. His right hon. friend had spoken of facing the mob unarmed; and allowed his courage to be inferred from the hazards of the enterprise; but he would remind his right hon. friend that prudence made a part of courage. He had heard his right hon. friend declare out of doors, that he had given the chief information to government about the Spa-fields plot, and had mainly contributed to fill the green-bag; but if this was the case, he thought it strange, that he, as a member of the committee, had not seen in the bag the papers he communicated. A noble lord had spoken last night of the insignificance or the peaceable intentions of the reform delegates. They always at first proposed peaceable petitioning, but they generally followed up that proposal with a recommendation of a resort to physical force, if their petitions were rejected. He was convinced that the measure was one of necessity, and it should have his hearty support.

Lord *Deerhurst* said, that an imperious sense of duty impelled him to come to a decision different from that to which he was led at the commencement of the session. He had then voted for the suspension act; he would now vote in direct opposition to it. On that occasion he was actuated, not by any alarm arising from what was past, but from a prospect of the future; and supported the policy of the measure on similar grounds as a man whose house had been on fire would continue to ply the engines for some time on the smoaking embers, after the violence of the flame had been subdued. Seeing that the danger was now completely extinguished, he could not agree any longer to this odious measure. If our political fabric had been in any manner dilapidated, or if any part of it threatened decay, let it be repaired; let the confidence of the people in its security and benefits be renewed; and let it be held together by the cement of conciliation rather than by the iron cramps of despotic power.

Mr. *Grenfell*, however much he regretted to believe that dangers existed which warranted this measure, felt it his duty to give it his unqualified support. It was said that there was no danger, because the people whom this bill was intended to check were low in rank, and degraded in character; but who that had read the history of the same class of men in France, could allow themselves to be lulled into a false security by such an argument?

Lord *Cochrane* spoke strongly against the bill. It seemed to him that the secret committee had exceeded their powers. The mode in which that committee had been selected was a mere mockery. What most strongly excited his indignation in the report was, the recommendation at the end of it, that recourse should be had to this measure. Unless the House turned over a new leaf, it was quite impossible that the present system could continue long. To suppose that the oligarchy could be long supported by a military despotism —to suppose that the people would consent to have their liberties destroyed and trampled upon, was absurd. When he was last at Algiers, he happened to arrive immediately after an execution of rebels against the dey; and it struck him with horror to see heads piled upon the walls of the town like shot in the arsenal at Woolwich. But if the course now pursued was persevered in, it was his firm conviction that we should either see, on the walls of the Tower, the heads of multitudes of the people, or that the heads of his majesty's ministers must be struck off.

Mr. *Addington* commented on the speech of the lord mayor, two-thirds of which had no relation whatever to the question before the House. The worthy magistrate had talked of the disrespect which he had experienced, but had not stated from what quarter. It could not be from the home office, from which he had experienced every due attention, and where his personal exertions on the 2d of December, in conjunction with those of sir J. Shaw, were highly estimated. But it was ridiculous to contend, that to those, with the aid of half a dozen constables, the suppression of that alarming insurrection was to be attributed. The fact was not so. The armed mob was charged and dispersed by a troop of life guards, which was dispatched by the secretary of state himself, who went to the horse-guards for that purpose, and the moment that he heard, which was soon after one, of the armed mob in the city. In the charge, one or two of the men were severely wounded by pikes. It was exclusively owing to the extensive military protection that was afforded by government in every quarter, that the tranquillity of the metropolis was preserved throughout the evening and following night. As to the trumpery paper which the worthy magistrate had enlarged upon, it was not worth notice. It was certainly a very indiscreet publication; but government knew as little about it as the lord mayor himself. Mr. Addington then observed, that he had come down to the House the day before, with the intention of giving the House a detailed statement of the communications with Mr. Oliver, in which his noble friend had anticipated him. The member for Leicestershire had been reproved for presuming to say that he had heard Mr. Oliver was a man of irreproachable character. It was doing that much-injured individual no more than justice, and he (Mr. Addington) would follow the example. Mr. Oliver was a respectable builder, and introduced himself to lord Sidmouth with highly respectable references. He came voluntarily to give information, which he had accidentally obtained, and solely with a view to the preservation of the public tranquillity. He had never been connected with the conspirators engaged to overthrow it. He had made no bargain, or solicited any terms for himself of any sort; he had to this moment neither asked nor received reward of any sort. He owed this declaration to an individual, who had been much calumniated out of doors, and not very tenderly treated in that House. A learned gentleman had totally mis-stated what had passed respecting the act passed in 1812, which made frame-breaking felony, and who seemed to blame government for having suffered it to drop. It was originally passed, not for one, but for two years; and, when he (Mr. Addington) brought in a bill for its continuance one year longer, it was vehemently opposed by those who were now most anxious for its revival. It was then given up, and another was brought in by the then attorney-general, reducing the punishment to transportation. A motion would shortly be made to restore the act of 1812. He entirely agreed with an observation made by the member for Bramber, that on great business like this, only a chain of difficulties and evils was presented. It was the duty of statesmen and legislators to adopt that course which had the most advantages and the fewest objections: they must strike the balance. Did gentlemen opposite presume to arrogate to themselves an exclusive attachment to this one of the great bulwarks of our liberties? Ministers had proved their reluctance to its suspension, by the short period which they in the first instance had taken for it. If they were charged, as they had been, with party motives and love of power (charges equally incomprehensible and absurd), in proposing its continuance, they might retort the charge of wilful blindness, and the most obdurate infatuation against those who shut their eyes, their ears, and all their senses, against the circumstances which rendered it indispensably necessary.

The *Lord Mayor*, in explanation, stated, that he had always received the most polite and prompt attention from the right hon. gentleman, whenever he required his assistance; but on the 2d of December, he must repeat, that no cavalry were in Skinner-street or near the Tower, and that the first appearance of any cavalry was at Aldgate, after the outrages were committed, and when the people were employed in collecting the arms which were scattered about the streets.

The House divided: For the second reading 80. Against it 30.

HOUSE OF COMMONS.

Wednesday, June 25.

CHIMNEY SWEEPERS' REGULATION BILL.]—Mr. *Bennet* rose to submit to the House, a motion of the utmost importance to the character of the country, as well as to the interests of a class of unfortunate beings, who, from the nature of their present loathsome occupation, seemed to be shut out from almost all social intercourse with their fellow-men, and deprived of every portion of that respect which generally attached itself to the exertions of industry in almost every other branch of human exertion. The object of his motion was, to procure the interference of parliament in defence of a helpless and infantine race of beings, generally known by the name of climbing-boys, in the service of chimney-sweepers. Their cruel treatment and sufferings had not escaped the attention of that House, who had by an act passed a few years ago, attempted to regulate this sort of trade, by enacting that no boys younger than eight years old, should be employed in this cruel occupation. This, however, had been found by the committee since appointed, to have been totally unattended to, and violated with impunity. Many were employed as climbing-boys, not more than four and six years old. The construction of several of the houses in the metropolis was such, that few of the chimnies therein was more than seven inches in diameter. It was the unanimous opinion of the committee, that no regulation could be depended upon, but that the trade should be gradually abolished. There were in this metropolis 200 master sweeps, about 20 of whom were, he believed, respectable tradesmen, and persons who used their apprentice boys kindly. Of the residue, more than 90 were a sort of jobbing itinerant characters, who went about the town or its environs looking for work, and amongst whom the boys employed were the youngest and most cruelly treated.—Indeed, it had come to the knowledge of the committee, that in some distant places even female children were employed, and that their delicacy of limbs, were considered most desirable requisites for insinuating the bodies of these unfortunate young creatures into the misshapen and ill-constructed narrow flues of chimnies. He should not trouble them with a detail of the accidents, distortations of the human body, and cruelties which were the frequent consequences of this practice, nor enlarge upon the moral and intellectual debasement consequent thereupon. It required no arguments in this age to prove that the practice was barbarous and inhuman, and unfit to be practised in a christian country. He had, he hoped, made out a case sufficiently strong to induce parliament to interpose its powerful protection in the cause of the youthful and helpless innocents thus exposed to contamination of mind, and unparalleled bodily suffering. He should leave it to the ingenuity of the age to suggest a remedy for the evil. Machines had already been constructed, by which three-fourths of the chimnies might be swept and cleansed as well as they now were by boys; and with but very little alteration, he believed 95 out of 100, might be adapted to the use of the present machines. He could compare this traffic only to the slave trade —children were bought and sold—were kidnapped and cruelly treated—and, he hoped, the same spirit which had abolished all trades of slavery in our distant settlements, would not brook to see the helpless children of our native soil in a condition no less degrading and deplorable. The bill left altogether untouched the existing relations between master and apprentices. It provided, that no persons should in future be procured for the purpose of such occupation, until they had completed their 14th year; and that after a certain period, it should not be lawful, under the penalties attached to a misdemeanor, to employ any person in the sweeping of chimnies who had attained the age of 21. He then moved, for leave to bring in a bill to explain and amend the act for the better regulation of chimney-sweepers.

Mr. *Wilberforce* seconded the motion, and read a letter from the clergyman of a considerable county town, which stated, that although much interest had been excited there in behalf of these unfortunate children, nevertheless, in the space of three months, two children had stuck fast in chimnies, and perished in that shocking state from suffocation.

Leave was given to bring in the bill.—It was afterwards presented, and read a first time.

TRANSUBSTANTIATION—IDOLATROUS WORSHIP.]—General *Thornton* rose, pursuant to notice, to move for leave to bring in a bill to repeal such parts of the acts of the 25th and 30th of Charles the 2d, as require declarations, in certain cases, to be made against the belief of transubstantiation, and asserting the worship of the church of Rome to be idolatrous. The acts in question had been made at the end of the reign of Charles 2d, when the duke of York, the next heir to the crown, was a declared papist, and when the country was agitated by rumours of popish plots. Bishop Burnet, in the History of his own Times, stated, that while examinations were going on, and preparation was making for the trial of the prisoners, a bill was brought into the House of Commons, requiring all members of either House, and all such as might come into the king's court, or presence, to take a test against popery, in which not only transubstantiation was renounced, but the worship of the Virgin Mary and the Saints, as it was practised in the church of Rome, was declared to be idolatrous. This passed in the House of Commons without any difficulty. But in the House of Lords, Gunning, bishop of Ely, maintained that the church of Rome was not idolatrous. The lords did not much mind Gunning's arguments, but passed the bill. And though Gunning had said that he could not take that test with a good conscience, yet as soon as the bill was passed, he took it in the crowd with the rest. The general said, his motion was not to interfere with the oaths of allegiance, supremacy, and abjuration, which would remain in force, and which he thought would be a sufficient security to the Protestant interest. The present seemed to him to be a proper time for the repeal of those laws, as there no longer existed any political necessity for them.—He thought it was hard on Protestants, to make them declare the worship of the church of Rome to be idolatrous, as most of those who were so called upon, he conceived, did not know enough of the subject to be satisfied of the truth of the declaration, and some might know it to be an unfounded calumny. It was for another reason a proper time, as there was at present no clamour amongst the Catholics, which had formerly been thought a sufficient reason for not granting any thing to them.

Mr. *Blake* seconded the motion.

Lord *Castlereagh* was not disposed to provoke any discussion then upon the subject. He thought it would be more expedient to postpone the consideration of the measure to another session, and should therefore move the previous question; which was carried.

LORD SIDMOUTH'S CIRCULAR LETTER.]—Sir *Samuel Romilly* said, that he should not offer any apology to the House for bringing under their notice the Circular Letter of lord Sidmouth;[*] that he felt that if he had any thing to apologize for, it was that he had so long delayed calling the attention of parliament to that extraordinary letter. This, however, had not proceeded from indifference to the subject, or from his not being sensible of its importance, on the contrary, it was the great importance of it, which had made him hesitate before he took any step upon it. Recollecting how much the due administration of justice, the security of the subject, and the liberty of the press, might be affected by any decision that the House might come to upon this question; it was with some apprehension that he brought it before the House. He knew that this was not a time at all favourable for the agitating of constitutional questions, and he was aware of the address with which those who were hostile to the rights of the people, often contrived, by majorities of that House, to convert any attempt to vindicate those rights, into a means of victory over them, and of triumph. Upon the best consideration, however, that he had been able to give the subject, it had appeared to him that scarcely any use that could be made of the motion he was about to make, could be attended with greater mischief, than that the Letter of the secretary of state should be established as a precedent of the new law and practice which it introduced, without one member of the House of Commons, who were the constitutional guardians of the liberties of the people, raising up his voice against it.

---

[*] See p. 447 of the present volume.

The Secretary of State by the Letter in question, communicates to the magistrates in all the counties of England and Wales, that he had, by consulting the law officers of the Crown, ascertained that the magistrates had by law, a right to issue warrants for apprehending persons charged upon oath, with publishing blasphemous or seditious libels, and to compel them to give bail to answer the charge, and he recommends to them to require bail in all such cases. To the law thus stated he would not accede; but the question appeared to him to be of much greater importance in a constitutional than in a legal point of view. If the magistrates had by law the discretionary power which was here supposed, it was a flagrant violation of its constitution, for a minister of the Crown to direct or to suggest how that discretion should be exercised. But the Letter itself admits that doubt had been entertained whether the magistrates had any such power, and the minister takes upon himself to solve that doubt, and to declare upon the authority of the attorney and solicitor general what the law is. The Letter pretends to declare the law, and to control the discretion of the magistrates. It will probably be found, upon a due examination, that there is no such law as the minister pretends to promulgate, and that the magistrates have not the discretion which he presumes to control. He would, however, for the sake of argument, in the first place, suppose that the justices have such a discretion as the Letter ascribes to them—What more dangerous authority was ever assumed by a servant of the Crown, than to pretend to interfere with the magistracy by suggesting to them how the discretion, which by law is vested in them, should be exercised? The law is supposed to have said, that it shall be for the magistrates, judging of all the circumstances of each particular case, to determine whether they will, before indictment, require a man charged with the publication of a libel, to find bail, or commit him to prison; but the minister recommends it to the magistrates in all cases, and under all circumstances, to insist on bail being given, or in default of it to commit. The law gives the exercise of discretion to the justice with a knowledge of the particular of each case; the secretary of state assumes that discretion to himself, and exercises it blindly, in ignorance of all the circumstances with which each case may be attended. In many cases the law gives judicial officers a discretion as to the degree of punishment which shall be inflicted for an offence. What would be said of a minister who should require the magistrate in every case to inflict the severest punishment which the law had appointed? And yet the interference with judicial discretion, is as unjustifiable in one case as in the other. This extraordinary and most unconstitutional recommendation to the magistrates too, is given with respect to a discretion which it seems agreed ought, where it avowedly exists, to be exercised but very rarely, and only upon very extraordinary occasions.

Since the act of 1808 it is clear that the attorney-general, or rather the judges of the King's-bench at the instance of the attorney-general, have authority to commit to prison or hold to bail persons against whom the attorney-general has filed *ex officio* informations for libel. But so seldom was it thought, that such a power ought to be exercised, that when, in the year 1811, a question was brought on in that House respecting *ex officio* informations, the then attorney-general, sir Vicary

Gibbs, declared, that of all the persons against whom informations had been filed in the course of the three years which had elapsed since the act had passed (and they were numerous, no fewer, it was said, than 40), there was only one against whom he had thought it right to require that he should be held to bail, and that was in a case of a very aggravated nature; for the defendant, after the information filed against him, had had the boldness to publish a new edition of the libel he was charged with. In the year 1793, notwithstanding the numerous government prosecutions for libels which were carried on all over the kingdom, and though Payne's Rights of Man and other very dangerous publications were amongst them, in no one instance had any defendant been held to bail. In his opinion, this fact alone went far to prove that the right did not by law exist in the magistrates; but every one must admit, that it proves that if such a right does exist, it was only in very rare and extraordinary instances that it ought to be called in action. The executive government, however, presuming to interpose with the magistrates in their mode of administrating justice, tells them that it ought to be constantly and in all cases acted upon. In so rash a manner had the secretary of state acted upon this occasion, that if any justice of the peace had presumed spontaneously to lay down for himself that rule which lord Sidmouth has prescribed for all the magistrates, and had declared before hand that he was determined in all cases of libel that should come before him to commit the offender if he could not find bail, such a man would have shown himself wholly unfit for his office, and the lord chancellor would not have exercised properly the discretion which the constitution has vested in him, if he had not struck his name out of the commission of the peace. Supposing, therefore, that the justices have clearly by law that discretion, which however is disputed, yet the Letter in question is a most unjustifiable interposition by the Crown in the administration of justice.

It is admitted, however, that doubt may be and was entertained, whether the magistrates have any such power: they did not know that they had it: the secretary of state thinks it necessary to inform them of it: the matter appears so doubtful to himself that he first consults the law officers of the Crown, and, fortified with their opinion (which opinion however itself betrays, in the manner in which it is conveyed, some doubt in those who give it), he takes upon himself to promulgate this at all the quarter sessions as the law of the land. But what authority has the executive government in doubtful cases, to declare what the law is. By the constitution of this country there are only two modes in which the law in matters of doubt can be declared: one is by the whole legislature by a declaratory statute, the other by the decisions of the judges upon points which have come judicially before them. It has been at all times thought of the utmost importance to prevent the law from being in any other way declared, and particularly to guard against the Crown presuming to declare it. In many cases they who have the power to declare have the power to make the law, and the Crown would be wholly independent of the other branches of the legislature, if it could by its ministers solve the doubts which had been raised on legal questions, and pronounce what the law is. Those of our princes who were most anxious to extend the prerogative were well aware of this, and attempted to exercise this power, but even they endeavoured to obtain for the law which they declared, the sanction of the extrajudicial opinions of the judges. It had been only in very late times, and he believed only under the present secretary of state, that the opinions of attorneys and solicitors general had been resorted to to give countenance to the law which he has been pleased to promulgate. Two years ago, when the ministers of the Crown thought proper to keep the militia embodied after peace had been concluded, and when all the causes which by law justify the embodying them had ceased, the same secretary of state had recourse to the attorney and solicitor generals to solve the doubts which were entertained, whether what the ministers had done was legal, and upon their authority he pronounced to the world its perfect legality. Even under the Stuarts this would not have been tolerated. When Charles 1st had determined to dispense altogether with parliaments, it was necessary to have recourse to some expedient for levying money upon the people by the king's sole authority, and Noy, the attorney general of that time, a man of great legal knowledge, and who had begun his career as an assertor of the people's rights, but afterwards proved himself a formidable instrument of tyranny, suggested the plan of requiring contributions for the purpose of fitting out a fleet for the defence of the realm in times of public danger, of which danger it was represented that the Crown was the sole judge. But when this tax was to be levied upon the people, it was not imagined that the authority of an attorney or a solicitor general would be sufficient to make it received as law,—the judges were all assembled, their opinions were taken in writing, and were registered in all the courts of Westminster-hall, and promulgated at all the assizes. The proceedings were exactly similar to what had been done upon this occasion, except that the law was declared upon the opinions, not of the law officers, but of the judges. It was most unconstitutionally declared, because, although it was on the opinions of the judges, it was on their extrajudicial opinions, on opinions formed without the advantage of hearing the case argued, and being furnished with the authorities and the reasoning which might be produced by those who had an interest to dispute the law, and above all, because it was an opinion given at the solicitation of the Crown. Fortunately for this country, a man was found bold enough to dispute the law which was thus published. A man to whom he would not be deterred from giving due honour, by the prevailing fashion of undervaluing his conduct, and depreciating his merits—by the sycophancy and servility of those who pay court to ministers by vilifying the founders of national liberty and happiness, and the brightest ornaments of human nature. The prevention of this arbitrary and unjust measure was owing entirely to the firmness and the honesty of John Hampden. But when this immortal patriot brought the case distinctly before the judges, ten of the twelve were so far corrupted as to adhere to their former opinions; and Croke and Hutton, names that he was proud to mention with a distinction so honourable, urged the strongest arguments against the decision in vain. The ten judges felt a sort of interest, a party bias, an *esprit de corps* which led them to give this iniquitous and disastrous decision.

In the reign of Charles 2d the judges were again called upon to give an opinion extrajudicially on the subject of libels, and they accordingly signed a declaration, that "to print or publish any news books or pamphlets of news whatsoever is illegal, and that it is a manifest intent to a breach of the peace, and they may be proceeded against by law." It is in these words that lord chief justice Scroggs, a person every way worthy to be the promulgator of this unconstitutional proceeding, states their opinion in the case of Henry Carr. What was the difference between that case and the present? There was a strong objection, indeed, to judges giving the law, when all the advantages of a particular case and of a full pleading were not afforded; yet he thought it much better to take the opinion of the judges than of the attorney and solicitor-general. It was not only because they must be supposed to be more learned, and to have had more experience, but because they must be expected to have more honesty. The judges were sworn to administer justice impartially between the king and his subjects; the attorney and solicitor general took no such oath; they were sworn only to serve the Crown; they held no judicial office; they were advocates and nothing more, and their usual mode of practice as well as the nature of their office, is correctly enough described by sir Henry Spelman, who says, "Atturnatus regis est qui causas regis forenses non solum promovet, sed ex more advocati fortissime tuetur." He would not be understood to insinuate any thing against the present attorney or solicitor general, for he argued on the general principle; but he did think them the very worst authority that could be used, as they were entirely dependent on the Crown for their present office, as that office was expressly appropriated to the purposes of the Crown, and as they must look to the Crown for all farther promotion. It was justly observed by the historian of lord Bacon's life, that the offices of attorney and solicitor general had been rocks upon which many aspiring lawyers had made a shipwreck of their virtue. More striking instances indeed need not be adduced than those of lord Coke and lord Bacon, the one the great oracle of our law, and who had acted most honestly and independently as a judge; the other, the ornament not only of his country but of the age in which he lived, and who yet both, when attorney general, had been the shameless instrument of the oppression and tyranny of the government by which they had been employed. When such men are not capable of resisting the allurements of their office, would it be pretended that the attorney and solicitor-general were proof against all interest, influence, and bias? They were the very last men in the world to give authority in such a question. Yet these were the oracles who could now make and unmake law!

How slow were proceedings in the case of Wilkes, and with what little effect was the decision promulgated, when compared with the rapidity and the effect of the opinion delivered by the law officers of the Crown, and transmitted to all magistrates by the authority of the secretary of state. The legal doubt with regard to their powers was not only solved to the magistrates, but they were enjoined to execute the law thus propounded. The Circular, resting on the opinion of the law officers, had thus declared the law of the land on a point that was before doubtful; and the secretary of state, assisted with such advice as he could command, had thus assumed the functions of legislation. He hoped the House, by its decision on this question, would mark its sense of this unwarrantable assumption of authority, and would declare, that the minister of the Crown had transgressed the limits of the prerogative in dictating to the magistrates his ideas of their duty; but if it came to a different result, and if, by passing no censure on such conduct, it showed that it acquiesced in its legality, he thought that parliament should in future take care to provide that an attorney and solicitor-general of such undoubted knowledge and uncommon integrity should be selected that there would be no danger of intrusting such power into their hands. No one who considered the manner in which these officers were at present selected could repose in them such confidence: and in saying this, he meant no reflection either on the ability or character of his hon. and learned friends opposite. The persons who filled these offices were sometimes chosen from other reasons than their pre-eminent talents, great experience, or legal knowledge, and were sometimes candidates, not only for other offices under the Crown, but for the situation of puisne judges. When he spoke in this manner of the office of attorney and solicitor-general, he begged that he might be allowed particularly to guard himself from being understood as conveying any censure on the late appointment; he meant particularly that of the Solicitor-General: not practising in the same court with him, he was not competent to speak of his qualifications as a lawyer, but he knew that he had a very high character in the profession; but he thought the appointment highly honourable to government as well as to his learned friend, because it was certain that he had been promoted, not on account of his political principles, but from a conviction of his merits. He had gained his place by no servility of conduct; he had not been bought over by any hope of reward. He well deserved the favour which the Crown had been advised to confer upon him. He thought it necessary to state this when he alluded to the situation of the Crown law-officers, and objected to their being intrusted with such a prerogative as they had lately exercised, lest it might be imagined by some that he meant personal reflections, and that he disapproved of an appointment in the propriety of which he heartily concurred. It was not to the particular individuals that he objected, but the surrender of such a privilege into the hands of individuals so situated, whoever they were.

Was the House to believe it safe or constitutional to allow doubts on the laws that affected the liberty of the subject to be solved by his majesty's lawyer? If he looked back to former times, he found examples to show the danger of such a practice. A case occurred in the reign of Charles 2d in which a secretary of state, who wanted the interposition of a law-officer to accomplish an illegal object, found a willing instrument in support of an iniquitous proceeding. It was in 1684, the year when Russel and Sydney were judicially murdered, when the law and the constitution were trampled under the feet of arbitrary power, and the forms of justice were made to cover the greatest enormities, that the instance to which he alluded occurred. The earl of Middleton at that time wrote to the lord advocate for Scotland to take his opinion on the question, whether the judges could receive the depositions of witnesses against state prisoners before their trials came on. The lord advocate of that day, who mentions the circumstance himself, was sir George Mackenzie, a man celebrated for his talents and legal knowledge, and who, on account of his perverted ingenuity, was only the more dangerous. He was sensible how contrary the opinion required of him was to the law; but he nevertheless answered, that the taking the depositions might, in ordinary circumstances, prejudice the judges; here they could not be prejudiced.

Having spoken thus much of the constitutional question involved in this Circular, before he came to the proper subject of his motion he would read two Resolutions, with which, if the motion succeeded, he meant to follow it up. In the first place he would move a resolution, "That it is highly prejudicial to the due administration of justice, for a minister of the Crown to interfere with the magistrates of the country in cases in which a discretion is supposed to be by law vested in them, by recommending or suggesting to them how that discretion should be exercised." In the second place, he would move the House to resolve, "That it leads to the subversion of justice, and is a dangerous extension of the prerogative, for a minister of the Crown to take upon himself to declare, in his official character, to the magistracy, what he conceives to be the law of the land; and that such an exercise of authority is the more alarming, when the law, so declared, deeply affects the security of the subject and the liberty of the press, and is promulgated upon no better authority than the opinions of the law officers of the Crown."

Before he entered on this subject, he would shortly examine the legal opinion of the law-officers on which the noble lord's circular was founded. He did not think that opinion correct or consistent with the principles of law. In his opinion the magistrates had no such authority as it stated to belong to them. He meant, however, to propose no resolution on this subject. There might be some doubt; and he did not think it became the House, as one branch of the legislature, nor the other House, nor both together, to declare what the law was. In such a case, all the branches of the legislature must concur. But if neither House of parliament, separately, or both together, without the sanction of the Crown, could settle this point what was to be thought of an executive minister who took it upon him to declare what was the law of the land? He could not refrain from stating the consequences of the exercise of this authority of the magistrates, so unconstitutionally declared to belong to them. They would have the power of committing or holding to bail, before indictment, every man who should be charged on oath, at the instance or in the opinion of any informer, with having published a blasphemous or seditious libel. It was well known, too, that blasphemous or seditious words uttered were punishable equally with publications of that character; or that the uttering of such expressions was considered as equivalent to publication; so that every man who published what any other man might think a blasphemous and seditious libel or uttered a blasphemous or seditious expression, might be sent to prison, or held to bail, on the oath of the informer, by the command of any magistrate in any part of the country however prejudiced or indiscreet. The tyranny of the reign of Charles 2d could not be greater than this. It was folly any longer to talk of the freedom of the press. No paper, in any part of the country, could criticise the measures of ministers, or render itself obnoxious to some busy magistrate, without the danger of exposing its author to imprisonment or expense without trial. The magistrate was not even bound to examine the publication which was declared a libel. The oath of an informer was sufficient ground for him to act upon. He would say nothing here of the new dangers that beset this new law, from the system of late introduced of conducting the affairs of the government by spies and informers, who might insinuate themselves into our families, might listen to the unsuspicious conversation of our tables, urge on the ignorant and unwary to the use of expressions that might be construed into sedition or blasphemy, and then, by an exaggerated statement of what had been said, have them committed, or held to bail at the pleasure of a magistrate by whom they were employed. When this new practice was considered, the mischief of this circular was beyond all bounds. But the power of commitment was not only given in cases where blasphemous and seditious libels were published or uttered, for the opinion comprehended libels on individuals as well as those of any other description. He believed that the attorney and solicitor general, when they wrote the Opinion given under their signatures did not know the use that was to be made of it, otherwise they would have been more cautious and guarded in their expressions. If they were not told what use was to be made of their opinion, they had as good a right to complain of the conduct of the noble secretary as he had. They stated that "a warrant may be issued to apprehend a person charged on oath for publishing a libel either by the secretary of state, a judge, or a justice of the peace;" but at the conclusion of their opinion, they qualify the word libel, which, in the first instance is general, by the epithets scandalous and seditious. This omission in the first instance, and addition in the second, showed something so slovenly, that they would not have been guilty of it had they been aware that they were declaring the law for the whole kingdom. As there was no distinction between the kinds of libels, so there were no limits to the power of the magistrates in other respects, if they were permitted to commit for what was not a breach of the peace. Any other misdemeanour would equally come within the limits of their jurisdiction.

So much for the importance of this assumption of power: he would now go a little into its history; and it did appear to him surprising, if this was the law of the land, that it was never thought of till now. In 1793 the country was deluged with publications that excited the displeasure of government, and which were accounted seditious; yet it never entered into the mind of the government of that day to give the magistrates such powers. He remembered, that in Warwickshire, in Derbyshire, and in some other counties, men were prosecuted at the sessions for seditious libels, that were very provoking to government. Two individuals of the names of Binns and Gale Jones, who were charged with going as delegates from the London corresponding society to excite sedition among the people of Birmingham, were particularly obnoxious, and were thought particularly dangerous, but this weapon was never employed against them. Yet there was no want of zeal among the magistrates; the two gentlemen who did almost all the business, of Birmingham were great church and king's men; they had, of course, no disposition to favour seditious libellers, and would have received with pleasure any order of greater severity from government. If, then, magistrates, overflowing with loyalty, and particularly inimical to libels of the kind alluded to, never thought of committing or holding to bail, it was evident they did not believe they had such authority. Nor did any other person think they had such power. The then attorney-general, the present lord chancellor, had no notion of such a power, or was very remiss in his duty.

He was now about to enter into the legal arguments; but he would not detain the House long. Indeed, after the admirable argument upon that subject which had been delivered by a noble friend of his in another place*, and which was now in print, he should be inexcusable if he did. That argument it was difficult to add to and he believed impossible to answer. If the magistrates possessed the power of committing or requiring bail in cases of libel, they must derive it either from their commission or from statute. Their commission was totally silent on the question. The only part of it on which an interpretation favourable to the existence of this power could be fixed, was that which regarded trespasses; but the whole tenor of the passage showed that trespasses here meant trespasses against the peace. If it were not so limited, it must comprehend every species of trespass as well as this; and, therefore, as many species of trespass were not included, there was no reason to suppose that libel was. He would state authorities: the first was that of lord Coke, who, after stating that before the statute of Philip and Mary, magistrates could not commit, or hold to bail for breaches of the peace stated, that since that time they possessed such an authority. He did not, however, include libel. The next authority was that of lord Hale, who said that justices could issue their warrant to apprehend and imprison, before indictment, for breaches of the peace. That learned judge in speaking of the objects of this warrant, uses the word crimes in general; but it was evidently from what followed, that he meant misdemeanors, which amounted to breaches of the peace, and did not include those that only tended to a breach of the peace; for he added, that such was the universal and uncontrolled practice. It was not the practice to commit for libel. It was said in the time of the seven bishops, that a libel did not only tend to a breach of the peace, but was an actual breach. and on that ground a warrant for commitment was justified. In 1665 there was a case to the point, but it occurred in a period from which no precedent could be drawn. The statute enacted then, which gave the magistrates power to commit, did not refer to libels which were under the cognizance of government alone, but to the putting forth of unlicensed publications. Several persons, and among the rest Dover and Brewster, suffered under this tyrannical law. The constables or other officers were ordered by it to enter the dwellings of persons whom they suspected, and search for books that were not licensed; and of whatever character they were, the simple defect of the want of licence subjected their possessors to the penalties of the statute. The magistrates had no discretion. They were bound to commit on the finding of such publications: but these had no reference to libel: indeed, till lately he never heard that magistrates were supposed to have the authority now stated to belong to them. The Opinion of the law officers and the Circular of the secretary of state, were a surprise to him. He had had many opportunities of seeing the practice at the sessions; he had conversed with many learned friends well acquainted with the powers of magistrates; but he never heard any thing like the doctrine now advanced: and if this was the law of the land, which he did not believe, it should be altered as soon as possible.

---

* Earl Grey. See p. 445 of the present Volume.

He had brought forward the present motion from no feeling of hostility to wards the noble lord whose conduct was involved in the question he entertained towards him no personal disrespect: he had, in any intercourse he had had with him, been treated with candour, and he had no inclination to hostility towards him, but he could not allow his feelings to overcome his sense of duty. In censuring his conduct, he did not conceive that the noble lord stood alone. He believed the whole ministers were culpable for any illegality that had been committed, and particularly the noble lord at the head of the legal administration of the country. Such doctrines as were now justified, and such conduct as was now pursued, appeared to him to be extremely dangerous, and tended if not counteracted, to operate the destruction of every thing that is valuable in our laws and constitution. He would always raise his voice against such pernicious innovations; and if in after times, when this country should be placed in that different situation to which it was hastening, and the liberties which our ancestors enjoyed and transmitted should no longer be enjoyed by our posterity, it should become a question with the curious or inquisitive how this change from freedom to arbitrary power began, what were the first symptoms of our decay, and what were the first inroads on the constitution? It would then be seen that there were some persons who were not insensible to the signs of approaching slavery, who denounced the tendency of arbitrary proceedings, and warned their countrymen against them. If those who were to follow us made as rapid progress in advancing from the point at which we now were, as we had done with respect to our predecessors, the season for the melancholy inquiry to which he had alluded was not far distant, and the country might decline into slavery without being aware of it. He understood that the noble lord who was the author of this proceeding had said, that he was proud of the censure cast upon him, since the only imputation on him was, that he had been anxious to suppress blasphemy and sedition. The noble lord, however, might recollect, that a similar boast had been made by the most detestable and cruel tyrants that ever disgraced the history of mankind. When the duke of Alva, when Philip the 2nd and his sanguinary consort shed the blood of their fellow creatures and their subjects without remorse, and inflicted any species of torture on them, they too pretended that they were actuated only by a pious desire to extinguish heresy and blasphemy. Did any one really believe that religion was at the present time in danger? He might appeal to his hon. friend near him (Mr. Wilberforce) whether there was ever a time when persons were more deeply imbued with genuine principles of religion than at present. Could they suppose that irreligion and blasphemy, if they existed, could be suppressed by the means proposed; or rather would they not see that ministers intended by such a pretence to gain over a party who could not otherwise be induced to sanction their measures, and that they were injuring the cause of genuine morals and religion by offering them such hypocritical protection? He concluded by moving, "That an humble address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, a copy of the Case upon which the Opinion of the attorney and solicitor-general of the date of the 24th of February last was taken."

The *Attorney-General* sat out with asserting, that no parliamentary ground had been laid for the adoption of his hon. and learned friend's motion; neither could he conceive the ground upon which such a motion could be sustained, or upon which the House would be warranted in calling for the production of any case which government might submit to the consideration of the Crown lawyers. There was, however, in this instance, no necessity for the production of the case referred to, because the opinion of the Crown lawyers which was before the House, was quite sufficient to elucidate the merits of that case, and to enable the House to decide upon it. Therefore, he thought the House, unless some very strong parliamentary ground were made out, would feel very much indisposed to violate the confidence between the consulter and the consulted. Such a violation would indeed be held contrary to practice and principle, in either a public or private case. For himself, he declared that nothing should ever induce him to violate any confidence reposed in him, by those by whom he had the honour to be consulted. On these grounds, he would resist the motion, convinced that the production of the case alluded to, would be improper and unnecessary, whether the opinion which rested upon it were right or wrong. As to what the hon. and learned mover seemed to say respecting that opinion, namely, that the law officers of the present day had betrayed a disposition to imitate the conduct of the judges in the reign of Charles 2nd, by giving extrajudicial opinions, he would assert that those law officers had done no such thing, nor did they feel any such disposition. They gave their opinion to those who asked for it, and that opinion was, he was prepared to show, perfectly consonant to the law and the constitution. Although the law officers had been called elsewhere the "paid servants of the Crown," he would say that no payment could withdraw them from the conscientious discharge of their duty, by giving, on all occasions, that advice which was warranted by law. But it was known, that whether in public or private cases, that lawyer who would give a convenient opinion merely to suit the desire or gratify the wish of his client, without any view to the law of the case, would manifest an indifference to the interests of his client, as well as to the preservation of his character, and the practice of his profession. The conduct of law officers was, however, it appeared, in the opinion of the hon. and learned gentleman, entitled to little confidence, or consideration, because, truly, their judgment was subject to bias. But there were he thought, names to be found among those who were law officers, which must claim the respect and consideration of the hon. and learned gentleman. There were Coke and Bacon, for instance, who, notwithstanding their aberrations, had manifested such manly independence as well as legal learning, as could not be too highly estimated. Yet, according to the hon. and learned gentleman, the judgment of Crown lawyers was so liable to be warped by their situation, that that judgment was quite suspicious. But did the hon. and learned gentleman deem such a suspicion applicable, when he himself was one of the law officers of the Crown? He was convinced of the contrary, and that the hon. and learned gentleman, at the time he held that office, was in no degree jealous of his own honour, or suspicious of his liability to deviate from rectitude through the operation of any undue influence. Why then should the hon. and learned gentleman entertain such jealousy or suspicion with regard to others? He did not pretend to enter into competition with the hon. and learned gentleman as to the extent of legal learning, or depth of political sagacity, or power of forensic reasoning, but he would not yield to the hon. and learned gentleman, or to any other human being, upon one point, namely, the conscientious discharge of professional duty. From this discharge he felt confident, that he was not to be withdrawn by any sinister influence, or deterred by any public clamour. No clamour or calumny, indeed, should ever restrain him from the declaration of his opinion, and in this case he had no hesitation in stating his deliberate judgment upon the best consideration of the subject, that a magistrate could legally commit and hold a man to bail for the publication of a libel. But although such committals had frequently taken place in the course of our history, and had been brought before our courts of justice, the fact was, that no question was ever raised as to the validity of the doctrine which he had maintained. If indeed any person were committed by a magistrate for the publication of a libel, and that he deemed such committal illegal, it was open to him to have himself brought up to the court of King's-bench, by Habeas Corpus, or to institute an action for false imprisonment. In various instances upon record, persons so committed had been brought into court by

Habeas Corpus; but in no instance was the legality of the magistrate's warrant impeached upon the ground laid down by the hon. and learned mover, namely, whether a person committed or held to bail for a libel, before indictment found, was a legal proceeding. The hon. and learned gentleman did not question the power of the secretary of state to issue warrants, or hold to bail, in the case alluded to; nor could he, since the 48th of the king, question the existence of that power in the judges; but the hon. and learned gentleman denied that any authority could be quoted in support of the opinion that such a power belonged to the magistracy. He would, however, show, from the practice that had prevailed, as well as from the decisions of the courts, and the *dicta* of the text writers, that the doctrine impugned by the hon. and learned gentleman was fully established. In the first place he would state, upon the authority of lord Hale, that a magistrate could commit for every offence, before indictment, cognizable at the sessions. Lord Hale lays down his position in the broadest manner possible, and left no doubt that it was his opinion that parties may try indictments for libel, because libel has a tendency to disturb the peace, or, in other words, was *quasi* a breach of the peace. The sessions of the peace had always assumed the power to try for libel: but if there was any doubt on this subject, it rested with those who raised the doubt to settle it also. Why did they not bring the question fairly to issue? Why did they not go at once for a decision into the law courts? It was open to them at once to bring an action against the magistrate offending; and if they should be displeased with the judgment of the lower court, they would have their appeal to the principal tribunal. They might carry the matter before the House of Lords. Till this was done, till some legal shape was given to the objections of the opposite party, he should maintain, that the question was one completely settled. He had never yet seen in any text-book, or in any report of the decisions of judges, any doubt thrown on the opinion of lord Hale. Indeed, so far from seeing it shaken, he had seen it confirmed over and over again by the solemn arguments of subsequent judges. One learned judge had shown, that the power of the secretary of state and of a justice of the peace rested on the same footing; and as it seemed to be admitted that the secretary of state had the power of apprehending and committing for libel, it followed that the justice of the peace had it too. He supposed that there could be no doubt that the secretary of state had such power: it certainly had been decided over and over again. Two cases on this subject were particularly strong: those of the Queen *v.* Derby, and the King *v.* Earbery, the first in the reign of Queen Anne, and the second in the reign of George 1st, proved, beyond the possibility of doubt, that the secretary of state had the power of committing for scandalous and seditious libels. In the first of these cases he knew that Barnadiston had given somewhat a different complexion to the matter; for he had said that the justice of the peace had committed the libeller: but this, if true, only proved the case more strongly; for if there was a power to commit, there was a power also to apprehend; and that the justice had the power to commit was evident from this—that the secretary never committed without the aid and assistance of a justice of the peace. Were all these proceedings wrong? Was the case of the Queen *v.* Derby wrong? Was the case of the King *v.* Earbery wrong? Was the case of the King *v.* Wilkes wrong? On this last occasion every objection that could be raised was raised, and the judges were (he hoped he was not using an offensive expression), the astutest, perhaps, that ever were, in all matters relating to the liberty of the subject. Yet though here was an opportunity for raising the objection whether the secretary of state had the power of committing or not, yet lord Camden, when discussing the legality of the warrant, had never intimated that such a power was not lodged with the secretary of state. Lord Camden had stated it to be the judgment of the court, " That the magistrates should, on perusal, form an opinion whether any alleged libel was a libel or not." It was not necessary, in order to authorize the interference of justices, that there should be an actual breach of the peace; except, indeed, in the case of a member of parliament: in all other cases it was sufficient that there was a tendency to it. The question then was, whether, supposing the power to exist, it had, in fact, ever been exercised. And here many cases might be quoted where judges, at least, had exercised the power. When he used the term judges, he applied it exclusively to the King's-bench (hear,

hear); and though when he wrote his opinion he had omitted to qualify it so, yet he had intended it; nor did he think it possible to mistake his meaning. The hon. and learned gentleman then proceeded to cite several cases for the purpose of proving that the judges, for more than a century past, had been in the habit of holding persons to bail for seditious libels; and he argued, that in these cases the judges had acted as justices of the peace, and not as judges of the court. Now, according to the doctrine of his hon. and learned friend, all those persons who had been so held to bail ought to have been discharged; and yet where was the law of the subject to be found, except in the long, uniform, and uncontradicted opinions and practice of the court? And it seemed to him a necessary inference, from the argument of lord Camden, that as secretaries of state could only commit in two cases, yet justices of the peace could commit in all where there was any cognizance of the peace; otherwise his analogy between justices of the peace and secretaries of state fell to the ground. It had been asserted that lord Eldon, when attorney-general, had maintained a different opinion; but he knew that his lordship had always allowed that power for which he (the attorney-general) was now contending. In 1808, in particular, when the question was agitated in the other House, the lord chancellor had taken particular pains to give his support to this doctrine. In contending for this power to justices in cases of libel, he of course meant that the justice must himself see and read the libel, and not decide it to be a libel on the mere oath of any man [Hear, hear! from sir S. Romilly]. Why, surely, his hon. and learned friend could never have understood him to mean that the mere oath of an informer would be sufficient for the magistrate to found any proceeding upon, either of apprehension or committal. No; the magistrate must exercise his discretion on the perusal of the writing charged to be seditious, and must act on his own responsibility, and at his peril. It had been alleged against the Circular Letter, that the secretary of state thereby interfered with the due and regular administration of justice. He had yet to learn that such an interference could in any way prejudice the process or ends of justice: there was no denunciation of persons by name, but merely a general recommendation to be vigilant with respect to the progress of an existing evil. Was not something similar perpetually done in the proclamations of the Crown? And could there be any doubt as to the utility of the measure? The grossest and most atrocious libels might have been with impunity hawked in every village, and placarded in every street, unless there had been some means of touching the offenders, before the slow process of indictment, or even of information. Before the arrival of the next sessions the offenders would have fled, never to have been found again. Who was to track the steps of an itinerant vender of sedition, who had no regular abode, and was never in the same place two days together? Such was the case which justified the transmission of the Circular: and yet, strange to say, gentlemen maintained that this salutary law, thus opportunely called to the attention of the magistrate, ought to be repealed. He was decidedly of opinion, that such a motion as the present ought to be negatived, unless some strong instance of misconduct in administration could be clearly proved.

Sir *W. Burroughs* cited a variety of opinions and cases, to rebut the arguments advanced by the learned attorney-general. With respect to the authority of lord Hale, so much relied upon, the book in which the passage he had quoted, was to be found, was not written upon misdemeanors, but solely upon treasons, felonies, and capital offences. It was most clear, that the word crime, which the attorney-general considered as so conclusive, was used by lord Hale, in the passage cited, as relating to felony and felony alone. The authority of Hawkins, too, so far as it went, was against the power now assumed by the justices. What were the authorities quoted by the attorney-general, against those produced by his hon. and learned friend? They were authorities taken out of the Crown office; and not the decisions of judges, or what were to be found in any text writer. Yet it did not appear, even from those authorities, that any individual had been committed or held to bail, who had not been previously indicted. But even if it could be shown that custom was on the side of the practice now asserted, he should still maintain, on this particular point, that it was illegal. Lord Camden, in the case of general warrants, admitted they had been in use since the revolution; but, he said, was mere usage to grow into a law?—No degree of antiquity could give sanction, he observed, to a usage which was founded in an abuse. The

Circular of lord Sidmouth authorized and required magistrates to arrest persons on oath, and hold them to bail for a libel, before they were indicted. But there was the authority of lord Camden, among others, against that practice, who expressly laid it down, in the case of Wilkes, that no man could be so held to bail for a libel. And he did not confine himself to the cases of peers or members of parliament, but included all individuals. He felt himself warranted, therefore, in maintaining, that it was never in the contemplation either of the statute or common law, to invest a secretary of state with such authority.

Mr. *Addington* explained the special reasons which had induced his noble relative to have recourse to that measure which had been this night called in question. He need not remind the House what the state of the country had been at the time the Circular was issued. It was sufficient to state, that the most mischievous publications were in circulation, and it in consequence became necessary, in the month of February last, great alarm having been expressed on this subject by some of the most respectable individuals in the country, for his noble relative to take the opinion of the law officers of the Crown. It was then for him to write specifically to the magistrates who had applied to him for information, inclosing them the opinion of the law officers, or to adopt the course which he had taken. To issue a circular letter explanatory of the law, had appeared the most efficient measure to which he could resort, and the decision came to would, he doubted not, meet with the approbation of the House.

Mr. *Courtenay* thought it of the most serious importance that the House should mark its opinion of this proceeding. The attorney-general, he observed, had not cited any case in which the question was brought before the court; but the law could only be settled by the decision of judges, in cases brought under their consideration. Lord Mansfield, who was by no means disposed to weaken the power and influence of the Crown, had said, that whenever bail is offered the Court never looks at the warrant. He did not charge the noble secretary of state with any disposition to violate the law; but when the difficulty occurred, he met it in a way in which it should not have been met. He should have said to the magistrates, You have a duty to perform, but it does not belong to me to explain to you what that duty is; you are judges to a certain extent, and are bound to exercise a judicial discretion. No man could doubt that his learned friend (the attorney-general) would give his opinion in the most upright and conscientious manner; but it ought to have been stated to him by the noble lord, that his opinion was to be acted upon. If he had been told that his opinion was to serve as a guide to the magistracy, it was most likely that he would have given a different opinion.

Sir *C. Monck* observed, that the secretary of state was right in taking the opinion of the law officers of the Crown, but it by no means followed, that he was to use that opinion to influence the judgment and conduct of justices of the peace. What greater right had the secretary of state to dictate to the justices of the peace, than he had to dictate to the judges of the King's-bench, of the Common Pleas, or of the Exchequer? The jurisdiction of justices of the peace might not be considered so important as that of the judges of the superior courts, but it was unquestionably very important, and, therefore, why should the Crown direct the exercise of their authority any more than any judicial authority whatever? The justices of the peace were as responsible for the discharge of their duties as any other judges of the country.

Sir *F. Burdett* said, that after this question had been so ably supported, both in detail and in general constitutional doctrine, it required some apology from him for offering himself to the notice of the House. He had waited till the last moment, expecting some farther arguments from the legal authorities, since the attorney and solicitor-general like greyhounds generally ran in pairs; but it seemed that the learned solicitor-general had left his colleague to bear the whole brunt of the contest. The only remaining constitutional branch of the subject which he should endeavour to support was this—that there was no practice of the courts, no usage, no dicta, that could contravene the established law of the land. The law of the land was, that *nullus liber homo capiatur vel imprisonetur*, unless upon conviction by a jury of his peers. That this was the old common law of the country was allowed on all hands: but it ought to be considered with the greatest strictness in respect to libel, a species of offence unknown to the common law, and which had been adopted from the civil law, and more recently borrowed from the practice of the infamous court of star-chamber. It was very extraordinary that, up to a late time it never was discovered that any man might be imprisoned for a supposed libel by *ex-officio* informations. If it had been the law of the land before, why was a bill brought into the House to enable judges to hold to bail upon such *ex-officio* informations? In the case of libel, how was the party to proceed?—upon a person going to any magistrate and swearing that a man had published a libel;—only, observe, swearing to a point of law that a man had committed that which could only be found by a jury [Hear, hear!.] In felonies, justices of the peace commit on oath; but then there existed a *corpus delicti;* an offence has been committed; and then they can hold the man in security for his trial, and the jury have to decide whether or not he has committed the particular fact; but in cases of libel, there was no *corpus delicti*, and it was impossible to tell what words an attorney-general or a jury would decide to be a libel. In his opinion, there was no subject on which the House were more bound to protect the people against being improperly punished than on charges of libel. When first this bill was passed, it was said that the power would be very seldom exercised; but it had now become a matter of course, that judges, even upon the mere intimation that the attorney-general intended to file an *ex-officio* information, held the supposed libeller to bail. They had now an instance of a person (Mr. Wooler) having been committed under this authority, and afterwards tried and acquitted. The hasty conduct, or, in other words, the imprudent zeal of the judge on that occasion, deserved the most grave and serious consideration. To-morrow he should have a petition to present to the House, which would bring before them the judge's conduct as well as the singular hardship of the individual, who was now placed in a situation in which the government could not punish him. The office of attorney-general was one which ought to be looked at by the subject with great suspicion; and he thought that the assertions of the hon. and learned gentleman with respect to his opinion might have been spared. The silence of the solicitor-general gave the House great reason to believe that he did not concur in the opinion of his colleague. The learned gentleman was there *ex-officio* to give them the benefit of his legal knowledge; but has he had not ventured to speak, it was a strong presumption, that he could not bring himself to maintain doctrines which his better judgment disapproved. Was it fit that the executive government should instruct persons who ought most jealously to be kept separate from the executive government? It was a very extraordinary proposal, that the House should be called upon to sanction an opinion without having before them the grounds of that opinion. Much had been said about a breach of confidence, but had the House no power on this occasion? It had, indeed, often carried its privileges to a great length against the rights and liberties of the people, but it had seldom exercised them against the Crown, and, least of all, against the law-officers of the Crown. He had been too long a member of that House to entertain any hope that they would exercise their powers to compel Mr. Attorney to lay the grounds of his opinion before them; but he humbly thought that they ought to see those grounds; and though he would not persuade the House to take such steps as would oblige him to produce them, still he had no doubt that it possessed the power. But if it would be a breach of confidence in Mr. Attorney to disclose the grounds of his opinion, how much greater was the breach of confidence which the secretary of state had committed, by stripping the opinion of those grounds? He really thought that these gentlemen in office did not act fairly towards each other. Upon the whole, it was his opinion, that nothing would tend more effectually to lower the character of that House in the minds of the people than the rejection of the present motion.

The *Solicitor-General* felt himself called upon to address the House, after what had fallen from the hon. baronet; and he could assure the hon. baronet, that unbiassed, unfettered, and unshackled by any pledge whatever, he had no doubt of the soundness of the opinion given by the law officers of the Crown. He had listened with the utmost attention to all that had been said, but he had heard no argument whatever which, in his opinion, had shown the interference of the noble secretary of state to be unconstitutional. On the contrary, the more he attended to the subject, the more he was convinced, that that Letter was founded on what the constitution gave the secretary a right to do. And he would only here remind gentlemen how often they had seen proclamations issued by the monarch, which declared what was the law; and was any thing more common than for judges at the various assizes to point out to juries what the law was? This Circular did nothing more, than merely remind the magistracy of what was the law of the land. Was it to be said that the secretary of state was to wait in indolence, and that magistrates were to do nothing till a crime had been committed, and that all was to depend on information being filed by the attorney-general? The hon. and learned mover had admitted the secretary of state had the power of imprisoning. This was indeed a great admission from the opposite side of the House, when the jealousy which they professed to have for the secretary of state having power was considered. The opinion of lord Camden and other lawyers of that day, had been in favour of this power being vested in justices of peace, and indeed that opinion was well founded, for those persons were put into office for the purpose of preventing breaches of the peace. In a recent case, where a person was charged with inciting another to steal, lord Kenyon had declared the prosecution was proper, even though no act of theft had been committed. Though libel was not specifically pointed out in the statute book, it was always considered a breach of the peace, and this had been decided in the case of the King *v.* Somers. If, then, the magistrates can commit for felony, why not for libel? because, by having such power, they did no more than they did in a thousand other cases. A magistrate, in committing for a crime, exercised his discretion, well knowing that a jury had to decide on the case; and why should he not do the same in the instance of libel? He had read the argument of a noble earl in another place on this subject and—[Here Mr. Bennet called the hon. and learned gentleman to order.]

The *Speaker* said, it was not parliamentary to allude to what passed in the other House of parliament; it was the practice to allow any printed publication to be referred to: the circumstance of that publication having been delivered in another place might, however, lead to a deviation from order in commenting upon it.

Mr. *Wynn* thought there was considerable inconvenience in referring to a speech spoken in the other House of parliament, even though it was printed. There was no knowing whither such a practice might lead.

Sir *F. Burdett* said, the publication might be alluded to as an argument which had been used, though not as a speech spoken.

The *Solicitor-General* proceeded—If in a case of common cheat a magistrate could commit, he saw no reason why such power was refused in cases of libel. For would any man tell him that libel was ever intended by the legislature to be more privileged than any other crime? There might be cases in the law of libel which might give rise to nice questions, but certainly this might be done in every other case as well as libel. Much had been said of the oppression to which these persons were subjected by being imprisoned, but was not this the case in every instance where a charge was preferred against an individual? It was unfortunate indeed that this should be so, but there was no avoiding it, when the imperfection of human nature was taken into consideration. He was astonished to hear lord Hale's language so much tortured as it had been by the hon. and learned mover. Lord Hale had distinctly laid it down, that justices of the peace might issue their warrants against persons charged with crimes against the peace and hold them to bail. Hawkins also said, that justices had this power in cases of felony and misdemeanors. The very act of the justices of the King's-bench, in holding persons to bail, and in receiving that bail, justifies the opinion of the law officers of the Crown. Having established—first, that libel was an offence cognizable by magistrates; and secondly, that being cognizable by them, they had a right to commit for it in default of bail, he conceived that he had made out his case. As to the right of the secretary of state to call the attention of the magistracy to certain offences, it was only that which had frequently been done by proclamation, and by judges at the opening of an assize. He was astonished to hear his hon. and learned friend introduce so long a history of attornies and solicitors general, as if to assimilate the proceedings of his hon. and learned friend near him and himself, with the proceedings which he condemned. There might be an imputation against the heads of his hon. and learned friend near him and himself, but there could be none against their hearts. They had discharged their duty to the best of their ability; and in so doing, he denied that he had declared any old, or introduced any new law. After the best consideration which he had been able to give the subject, he remained precisely of the same opinion that he had adopted originally with respect to it; and must therefore oppose his hon. and learned friend's motion.

Mr. *Wynn* complimented the last speaker on his able construction of the law, and expressed his conviction that that was the only fair construction which could be put upon it. He was the more convinced of this by the consideration of what had passed in Wilkes's case, and the judgment given by lord Camden. Every offence, and the greatest the law knew, was subject to be decided on, as to commitment, by a single magistrate. A man might write to another abroad that he was about to send him six bales of cloth and four of cotton; this was innocent; but if the bales of cloth meant ships of the line, and the cotton frigates, and the letter was written to give information to an enemy, the offence was treason, and a magistrate might commit the writer. With respect to the other part of the case, he considered that the secretary of state possessed the right of directing magistrates, as the head and superintendent of the police of the country; but then, he ought to give the directions on his own responsibility, and not on that of the attorney and solicitor-general. He never knew an instance in which the law-officers of the Crown had been so called upon to expound the law, except that of the volunteer bill, and that had not been so successful as to render it desirable as a precedent. Lord Sidmouth's Circular had, besides, been addressed to the lords lieutenants of counties, which was a farther impropriety. The lord lieutenant being a military officer, ought not to have been made the medium of such a communication.

Sir *S. Romilly*, in reply, expressed his surprise, that none of the members of administration, with the exception of his learned friend and the hon. and learned gentleman who spoke last but one, had offered their opinion on this question, Their allowing it to go thus silently to a decision, showed the little value they set on questions of importance to the liberty of the subject. Nothing had been said in answer to the objections which had been urged on constitutional grounds. His hon. and learned friend seemed to think that he was only called on to justify himself against a particular charge, and the same view appeared to have been taken by the solicitor-general. The question, however, had not been brought forward with a view to censure any individual, but to show the impropriety and danger of publishing law on the authority of any attorney or solicitor-general whatever. The attorney and solicitor-general were only the king's advocates, and not the judges of the law; and although the present holders of those offices might be, and were, men of the utmost probity, who should say that in future such attornies-general as Noy might be found to be the tools of ministers? It appeared that the secretary of state had published the opinion of the law-officers without their knowledge; and this conduct appeared to be such a gross breach of confidence, that had it happened to him he should have thought it his duty to tender his resignation. Sir Samuel then entered into the law of the case, insisting that the answer, even upon that point, had been almost as defective as it had been upon the constitutional part of the question. It had been said that the magistrate was only empowered to commit for a time; but was it not necessary that he should first form an opinion upon the paper whether it were or were not a libel; and if he decided in the affirmative, did it not entail upon the unhappy culprit many of the worst consequences of conviction; dragging him away from his family and his business, and burying him in a dungeon? The authority of lord Hale had been relied upon as completely decisive, that the magistrates had the power to commit in cases of libel; but it was singular, that those who quoted him should have omitted a most important passage, in which the same learned judge expressed a doubt as to the opinion he had previously stated on certain text-books to which he had referred. Sir Samuel took occasion to censure that part of the circular which directed prosecutions against the sellers of pamphlets under the hawkers and pedlars act, upon which, it appeared, only one magistrate had ventured to proceed, and he had been compelled to make compensation to the party injured. He denied that the Circular had the least resemblance to a proclamation, or to the customary address of a judge on opening an assize. The proclamation of 1793, for instance, only enforced the existing law. In the case under the consideration of the House, there had been a declaration of law perfectly new.

The motion was negatived. Sir S. Romilly then moved his two Resolutions: viz.

1 "That it is highly prejudicial to the due administration of justice, for a minister of the Crown to interfere with the magistrates of the country, in cases, in which a discretion is supposed to be by law vested in them, by recommending or suggesting to them how that discretion should be exercised.

2 "That it tends to the subversion of justice, and is a dangerous extension of the prerogative, for a minister of the Crown to take upon himself to declare in his official character to the magistracy, what he conceives to be the law of the land, and that such an exercise of authority is the more alarming, when the law so declared deeply affects the security of the subject, and the liberty of the press, and is promulgated upon no better authority than the opinions of the law officers of the Crown."

The Attorney-General having moved the previous question, the House divided: Ayes, 49; Noes, 157.

List of the Minority.

Abercrombie, hon. J.
Althorp, viscount
Atherley, A.
Baring, Alex.
Bennet, hon. H. G.
Barnet, James
Burdett, sir F.
Browne D.
Courtenay, W.
Calcraft, J.
Carter, John
Caulfield, hon. H.
Cavendish, hon. C.
Cavendish, lord G.
Duncannon, visc.
Douglas, hon. F. S.
Fazakerley, N.
Fergusson, sir R. C.
Folkestone, visc.
Gordon, Robt.
Grenfell, Pascoe
Hughes, W. L.
Hurst, R.
Latouche, R. jun.
Macdonald, J.
Mackintosh, sir J.
Markham, admiral
Martin, John
Martin, Henry
Monck, sir C.
Neville, hon. R.
Newport, sir J.
North, D.
Orde, Wm.
Osborne, lord F.
Portman, E. B.
Parnell, sir H.
Ponsonby, rt. hon. G.
Ridley, sir M. W.
Sharp, R.
Sebright, sir J.
Sefton, earl of
Smith, J.
Smith, Wm.
Smyth, J. H.
Walpole, hon. G.
Warre, J. A.
Western, C. C.
Webster, sir G.

TELLERS.

Burroughs, sir Wm.
Romilly, sir S.

HOUSE OF COMMONS.

Thursday, June 26.

REPEAL OF THE SEPTENNIAL ACT.] Mr. *Brougham*, in postponing his motion on this subject, wished to offer his reasons for so doing. He did not withdraw the motion because the subject was not one of the most pressing emergency, but having been prevented from time to time, by the press of other business from bringing it before the House, he found that if he were now to take the first open day, he should be doing the cause no service, as the attendance at this late period was likely to be so thin. He should, therefore, better discharge his duty to the House and the subject, by giving a general notice of his intention to bring it forward at an earlier period next session.

MR. TIERNEY'S FINANCE RESOLUTIONS.] Mr. *Tierney* observed, that as there might be a long debate on the Habeas Corpus suspension bill, he should rather prefer moving his intended Resolutions on a future day; Tuesday, for instance. They were necessary in order to show the difference of his views from those of the chancellor of the exchequer. He should, therefore, simply move his resolutions with the view of adjourning the debate till Tuesday. He then moved the following Resolutions:

1. "That it appears to this House, by the 4th Report of the Committee of Finance, that the sum to be expended by the commissioners, for the redemption of the funded debt of Great Britain and Ireland, in the year 1817, may be estimated at - - -	£.14,515,080
And that provision has been made for paying off navy and transport debt, within the same period to the amount of - - -	1,660,000
Making the sum applicable to the reduction of debt in the year 1817 - - - - - - - - -	£.16,175,080
That it appears to this House, that the amount of the unfunded debt of Great Britain, in exchequer bills outstanding and unprovided for, has been increased, since the 5th of January 1817, by the sum of - - -	7,898,950
That a further issue of exchequer bills to the amount of 9,000,000*l.* and of treasury bills in Ireland 3,600,000*l.* has been voted for the service of the year 1817 - - - - - - - - -	12,600,000
Making an increase of debt in 1817 - - - - - - - - -	£.20,498,950
And that, deducting the sum before stated, as applicable to the reduction of debt - - - - -	16,175,080
The debt of Great Britain and Ireland (exclusive of any deficiency which may arise in the income of and charge upon the consolidated fund) will be in-	

creased, in the year 1817, by the sum of - - - - - -£. 4,323,870

2. "That, supposing the income of and charge upon the consolidated fund of Great Britain and Ireland to be the same in the year ending the 5th of January 1818, as in the year ended 5th of January 1817, they may be stated as follows:

INCOME:—Great Britain (after deducting 374,000*l.* arrears of property tax)		38,709,551
Do. - Ireland:		4,394,631
Income of the year ending 5th January 1818		£.43,104,182
CHARGE:—Great Britain	39,693,429	
Do. - Ireland:	6,985,953	
Charge of year ending 5th January 1818		46,625,382
Deficiency of consolidated fund 5th January 1818		£. 3,521,200

3. "That it appears to this House, that comparing the net produce of the customs and excise of Great Britain, in the first 22 weeks of 1816, with the first 22 weeks of 1817, there is a diminution of receipt, in the latter period, of - - - - - - - -£. 1,430,593

4. "That the unfunded debt of Great Britain and Ireland, unprovided for, may be stated as follows; viz.

Amount of exchequer bills in Great Britain, outstanding and unprovided for, 20th June 1817	52,362,200
Further amount of exchequer bills voted for the service of 1817	9,000,000
Amount of treasury bills (Ireland) unprovided for, on the 5th January 1817	5,304,992
Amount of treasury bills (Ireland) voted for the service of 1817	3,600,000
Amount of unfunded debt (exclusive of any deficiency in the income of and charge upon the consolidated fund to be provided for 5th January 1818	70,267,192

The first resolution being put, the farther debate thereon was adjourned till Tuesday next.

PETITION OF MR. WOOLER.] Sir *F. Burdett* rose, for the purpose of calling the attention of the House to a petition which he held in his hands, involving in it considerations of the highest importance. The petitioner said, he had experienced great sufferings and privations, owing to the error, to say the least of it, of the judge before whom he had lately been tried. It was from Mr. Thomas Wooler, the author of the publication called the "Black Dwarf," at present in confinement in the King's-bench. The petition stated the number of hardships which Mr. Wooler had undergone. In the first place he was taken up and committed to prison on an *ex-officio* information filed by the attorney-general, and he thus underwent a considerable punishment before he was brought to trial. He was committed under an act brought in by sir Vicary Gibbs, though when brought in, it was never intended that it should be applied in the way in which it had been applied. But as such injustice had taken place under it, it was his duty to propose, and perhaps the House would think proper to do so, the repeal of that act, which had so improperly been applied to objects for which it was not originally intended. The petitioner stated that two *ex-officio* informations had been filed against him. When he was brought to trial, it was impossible for him to know on which of the informations he was first to be tried; of course he could not be so well prepared with his defence, as, under other circumstances, he might have been. On that information which was last filed, he was first brought to trial. So much irregularity had taken place on the part of the judge, in taking the verdict that he had put the individual tried in a very extraordinary predicament. In the first place, which was certainly rather a hasty mode of proceeding, the judge received the verdict before the jurymen were all in court. He (sir F. Burdett) happened to be in court at the time, and to be sitting on the same bench with the judge, and he could see only the foreman of the jury. But it was impossible not to see that there was some difficulty with respect to the delivering of the verdict. The foreman, in answer to a question from judge Abbot, whether the verdict was guilty or not said, "The verdict was guilty; but some of us wished to say so and so." The verdict, however, was recorded. But a very short time elapsed, when it was whispered in court that the jury were not agreed as to the verdict. The verdict was hastily taken; and if one could suspect a judge of a wish to entrap a jury into a verdict, he would behave exactly as judge Abbot had done. There were such circumstances attending the delivery of the verdict that it was impossible for any person not to be aware that there was a difference of opinion among the jurors. And under all circumstances but under those circumstances more particularly, it was incumbent on a judge to have had all the jurymen before him, and to have put the question to them, are you agreed as to your verdict? But the thing was not done in that way, and the verdict of guilty was recorded. When the circumstance of a difference of opinion among the jurors was first stated to the court, the judge ought to have inquired if the jurors were or were not separated?—and if not separated, they ought to have been sent back to consider the verdict. It appeared that three of the jurymen were not agreed as to the verdict—that special reasons were given by them, on the condition that if these reasons were not received they did not agree to the verdict. Of this they made affidavit; but the affidavits were not received. And why were they not received? After a great deal of argument had been used, and many precedents had been quoted of the affidavits of jurymen in other times, having been received, it was decided that they could not be received after a rule for a new trial had been granted. Mr. Justice Holroyd, than whom a more conscientious and independent judge never sat on the bench, stated that the affidavits could not be received after such a rule. In this case, Mr. Wooler had no opportunity of urging reasons why the rule should not be granted. But the court made the rule in the first instance, and then made the rule a reason why he was deprived of that to which, according to every principle of justice and equity, he was entitled. It was very hard on Mr. Wooler that the affidavits of the jurymen could not be received, because the court had made a rule, at the request of Mr. attorney-general, against the making of which rule he had no means of arguing. But the circumstances stated in these affidavits were heard by the bystanders in court. One of the jurymen expressed his disagreement with the verdict loud enough to be heard in court. Mr. justice Abbot however found that he had got himself into considerable difficulty in this case. He had received a verdict on which sentence could not be passed and at the same time Mr. Wooler was under confinement till he should be delivered in due course of law; and he could not be delivered till sentence was passed against him; and the verdict at the same time was so vitiated, that no court could venture to pass sentence on him. It was somewhat singular that in an early part of our history the same number of three jurymen disagreed as to a verdict, when the judge proceeding to pass sentence on it, he had the misfortune to get hanged. This was to be found stated in the Mirror of Justices. But in this case the matter was carried still farther than was done by justice Cambden—he put in other three jurors, and the cause was tried over again. But what was now doing in this case? Twelve jurors were put on. These twelve men only who first sat on Wooler could try his cause. They were his only legal tribunal; and yet the court now ruled that not three fresh men, but twelve fresh men should be taken. Now, this was a violation of the first principle of common law, that a man could not be twice in danger for the same offence. There was another instance in the same invaluable book, of a judge who was so unfortunate as to get hanged, because he passed sentence in a case where the jury were doubtfull: for, as the Mirror says, where there is any doubt there ought always to be an acquittal. You cannot, says Mr. Wooler, grant a rule for a new trial, because if the verdict is recorded, no new trial can take place, though the verdict was of such a nature that it set the court at defiance. But Mr. Wooler had the indulgence of the court forced on him, though in his opinion, the word indulgence in a court of law ought never to be used, for a court could only grant what was agreeable to justice. However, the court by way of indulgence endeavoured to impress on Mr. Wooler how much injury he did himself, by allowing a verdict to remain recorded against him. Mr. Wooler, however, was not to be shaken. Let the verdict be what it would, he was resolved not to accept the advice of those who are said to be of counsel for the prisoner. Mr. Wooler would not accept of the indulgence of the court. The court, however like squire Western, who, when he locked his daughter up, said "I will break her heart but I will make her happy," were resolved notwithstanding his protesting against the indulgence, that he should have a new trial. Suppose he were brought out to undergo again a new trial before a new jury, all his defence was already known—he had laid himself completely open to the prosecutor, who might take an unfair advantage of it, and avail himself of circumstances which he had formerly overlooked or neglected.

Mr. Wooler was not, therefore, standing in the same situation in which he was when he was first brought before the 12 men who were sworn upon his trial. Under these circumstances were he Mr. Wooler, he would positively refuse to submit to a new trial, and leave the judges to act as they thought proper. He conceived, that standing on the verdict of condemnation he stood equally clear of them. It would become the imperious duty of the House to take into consideration the situation in which the petitioner was placed, owing, to say the least of it, to the overhasty proceeding in the judge.

The petition was read. On the motion that it be laid on the table,

The *Attorney General* said, he never was more astonished in his life than at the statement he had just heard, because, with respect to a great many of the facts in the petition, they were altogether without foundation; he spoke of the part more particularly which alluded to himself, if he was meant in what was said respecting the communication with the attorney-general. He undertook to state, that unless his memory of past transactions was gone, he never had had any personal communication with Mr. Wooler, or any agent on his behalf; nor did he ever see him, till he appeared in court. But if such a communication had been made to him, he would have told Mr. Wooler, that the same proceeding must be observed in his case which was observed in all others. All the communication he had with him was giving him notice that his trial would come on of course after the Easter term, that as he had pleaded, he might not say he was kept in custody till the sittings after Trinity term. It was stated, that the second trial was pressed on him. But the fact was, that so far from being unwilling, when he (the attorney-general) was looking over some papers, and pausing in the proceeding, Wooler's attorney desired to have his warrant, as a sufficient number of special jurymen was not present to pray a *tales*. So far was it from being true that he had forced on the second trial! Indeed, in his speech to the jury, Mr. Wooler made a sort of triumph that he (the attorney-general) had paused so long before proceeding with the second trial. Now, what passed at the trial. Behind the place where the judge sat, a place was partitioned off, through which the jury passed when they came back with their verdict. While the second trial was going on, the jury came by that passage into court. The foreman came and two or three others, and the rest were behind them. When their names were called over, they either all answered themselves, or twelve voices answered to the names. This he would say, and he would defy any person to contradict it. When the officer of the court asked, guilty or not guilty? The foreman answered guilty; but stated at the same time, that he had a paper in his hands. He undertook, on his solemn honour, to say that he never had had the slightest communication with any juryman who sat on the jury—he knew not even the faces of any of them—he knew nothing of that paper—he knew only that the foreman was a Mr. Powell, a respectable merchant in the city. When the officer asked, guilty or not guilty, the foreman looking at the paper which he held in his hands, answered guilty; but three of the jury wish to give reasons. The answer of the judge was, I shall receive any thing which comes unanimously from the jury; but I cannot receive particular reasons from particular jurymen. What is your verdict? The answer was—My lord, we find the defendant guilty. If those behind him were not all in court they must have heard what the verdict was from the symptoms which were manifested in court on hearing the verdict. When the question was asked, is that your verdict? the answer returned was, yes—on which it was recorded. Three quarters of an hour passed, and after the greater part of the jury were gone, after the defendant's solicitor had been out of court, and after conferring with one of the jury—then, and not before, it was stated that the jury were not unanimous in their verdict. It had been laid down by all the authorities, that when a verdict had once been recorded, it could not be altered or retracted; the judge therefore said that nothing could be done there, meaning that application must be made to the court out of which the record had issued. It appeared to him (the attorney-general) most marvellous, if the jury had not agreed in their verdict, that those who dissented should not have stopped their fellows. They knew that some verdict had been given, and that it was not an acquital, as nine of the jury were in favour of a verdect of guilty absolutely. On the first day of term the learned judge, who knew that the whole of the jury were not within his view at the time, and that possibly all of them did not hear what had passed, felt it his duty to state the circumstances in court. He (the attorney-general) suggested, that the facts should be made out in some manner by the affidavits of the bystanders. The court then said, that if there was a doubt whether all the jury were within the view of the court, a new trial would be granted on the application of the party, on which he, in the character of the advocate of the crown, anxious that not the least injustice should be done, begged a new trial. The attorney of Mr. Wooler objected to this, and wished either a verdict for an acquittal, or a trial by the same jury. Could he reasonably demand a verdict of acquittal, when nine men were for returning an absolute verdict of guilty, and three merely for adding their reasons? If the verdict had taken its course, and it had appeared that the court could not pass judgment on it, the course would have been to award a *venire de novo*, which is a new trial by another jury. When any mistake occurred, lord Coke, and all others agreed that such a new trial must be granted. Yet Mr. Wooler complained that he was used with hardship, because he had been treated according to every principle of law, and objected to that which was awarded him *ex debito justitiæ*. He therefore contended that the complaints of the petition were unfounded, that some of the statements to which he referred were untrue, and that it could only have been intended to bring the administration of justice into contempt.

Mr. *Ponsonby* asked the learned gentleman, whether the names of the jurors were called over? whether the clerk had asked them if they had agreed in their verdict? whether their foreman should speak for them? and whether they consented?

The *Attorney General* said, that the questions were asked such as the right hon. gentleman had stated them; but he could not say whether all the jury replied that their foreman should speak for them.—Such was not usual. It was rather customary for the clerk to say the words, "Does your foreman speak for you?" and the silence of the jury implies their assent. In this case, the judge asked the jury, "Are you agreed in your verdict?" "Yes, my lord," was the reply of the foreman, "but—" "I cannot receive the reasons of a part of the jury," said the judge, "what is your verdict?—" Guilty, my lord," was again the reply.

Mr. *Ponsonby* was of opinion, from the information he had just received, that the proceedings in question were perfectly regular. He wished to know on what grounds the new trial had been granted?

The *Attorney General* answered, that the court was not satisfied that the verdict was returned in such a way that it could form the foundation of judgment.

Mr. *Brougham* wished to know whether the foreman, after saying "yes," had not added—" but."

The *Attorney General* said, that the word "but" was not used that he recollected.

The *Solicitor General* never heard the word, "but," on that occasion.

Mr. *Brougham* was perfectly satisfied with the explanation of his two learned friends. If credit was to be given to the attorney-general, and, from long knowledge of him, he had every reason to believe his statement, the assertion of Wooler, that he was obliged, after having been exhausted, to enter upon the other trial, was incorrect, as the immediate succession of the second trial was of his own seeking.

The *Attorney General* said, he was certainly going on with the other trial, but Mr. Wooler's attorney seeing him pausing, and believing that he was not ready to go on, sent him a note demanding a warrant for proceeding immediately.

Mr. *Brougham* said, he understood the attorney-general quite well. Though the solicitor wrote the note, Wooler took credit with the jury for greater readiness to proceed than the prosecutors showed. This was quite irreconcileable with the charge in the petition, that he was hurried on while exhausted with the other trial. Such a contradiction affected the credit of the whole petition. He wished so dishonourable a contradiction could be explained. He could not but greatly lament one omission which had confessedly taken place on the trial.—Before he alluded to this omission, he thought it right to disclaim the slightest wish of casting an imputation upon Mr. Justice Abbott, or to insinuate that there sat on the bench in this country any judge of a time-serving character, or who, in the discharge of his duty, looked for any other reward than the approbation of his own conscience. The omission to which he alluded was, that the learned judge should not, at the instant of the appearance of a disagreement among the jury, have taken the very obvious step of suggesting that then was their time fully to consider the nature of their verdict, and of seeing at the instant, what struck him not a great many hours afterwards, when he made the candid and ingenious statement to his brother judges, that there was a possibility of all the jury not being within hearing when the foreman addressed the Court.—He was also at a loss to account for the two very unusual questions put by the judge when the verdict was given, namely, "Gentlemen, are you agreed?" and repeating the question—and then asking them, "Is this your verdict?"—From these very questions, he was compelled to infer that the learned judge had at the time some doubts of the regularity of the proceeding. There could be nothing of greater importance in a country like this, than that the utmost light should be thrown upon all judicial proceedings, particularly those which were in some degree connected with the state.

The *Solicitor General* said, the reason why Mr. Justice Abbot reported the case to the other judges was, that a gentleman had stated in court, three quarters of an hour after the verdict had been recorded, that all the jurors had not concurred.

Sir *F. Burdett* would say nothing farther on the subject but for an expression used by the attorney-general as to his motives in bringing in the petition. He had alleged that his intention was to bring the administration of justice into contempt. He knew that the attorney-general had the power of filing informations *ex-officio* for whatever he conceived to be a libel, but he did not know that he was entitled *ex-officio* to utter libels against members of that House for their parliamentary conduct. He had presented this petition from an anxiety, that what was administered as justice should really be justice.—It was stated by the attorney-general that the new trial was for the benefit of Mr. Wooler. He could see no advantage that Mr. Wooler was to derive from it; but it was evidently for the benefit of the judge, who had brought himself into at least an awkward predicament. Mr. Justice Holroyd had said, that it was impossible to proceed upon that verdict; therefore, the new trial was not for the benefit of Mr. Wooler. It had been stated too, that Mr. Wooler was told that he could be discharged upon his own recognizance: he knew not how far this was true, but it was true it made the argument still stronger.

The *Attorney-General* replied, that not wishing Mr. Wooler to suffer a prolonged imprisonment, in consequence of any mistake in the delivery of the verdict, he had directed that the offer of liberation on his personal recognizance should be made to him.

Sir *F. Burdett* said, that the offer was a handsome one, and he wondered it was not accepted.

The petition was ordered to lie on the table.

HABEAS CORPUS SUSPENSION BILL.] On the order of the day being read for the committal of this bill,

Mr. *Gurney*, as one of those who had voted for the first suspension of the Habeas Corpus as a measure of urgent but temporary necessity, wished to know whether those persons who had now been under arrest for four months, and whose imprisonment it was, by the present measure, proposed to prolong, had been during that period kept in solitary confinement. He was the more anxious on this point, having learnt from a gentleman confined in that manner for fifteen months in the Temple at Paris, during the government of the Directory, that he considered that the human intellect could not sustain itself under such circumstances for any great length of time, without material derangement; and he was afraid that system was, most unhappily, gaining ground in this country.—Mr. Gurney said, that since the last debate, he had seen persons eminently well qualified, and who had taken the greatest pains to inform themselves as to the state of Birmingham, which had been mentioned in the last Report as one of those towns to which the spirit of disaffection and consequent organization into societies had spread; and they declared, on the minutest inquisition, that the accusation was totally unfounded. Birmingham was obviously just the place where the greatest distress must necessarily exist—an immense population got together on the two staple manufactures of arms, and of toys—peace rendering the one useless, and poverty the other unsaleable; and yet *there* there had been nothing but the most exemplary patience and good conduct under almost unexampled sufferings.—Seditious meetings, and incitations to disturbance, the bill passed this session had rendered highly penal already; and when this measure was recommended to preserve the tranquillity of the country, it ought to be considered how it could so operate.

There was certainly a small body of political fanatics of great and most mischievous activity, and there were notoriously districts in great distress, where a great disposition consequently existed to acts of tumult and outrage; but against these, all that the present measure would do, would be to take the power away from the ordinary jurisdictions, and out of the hands of the local magistracy, where all the sound part of the population would, for their own sakes, be aiding, and where that power would be effectual, to lodge it in those of a secretary of state, where the natural and honest prejudice of Englishmen against acts of mere authority would lead the mass of the community in every instance to impede its exercise, and where it in consequence would be found utterly useless and unavailing. All this had been pretty clearly proved during the late trials; and Mr. Gurney said, he could not but extremely lament with a view to the impression made in the country generally, that the executive government had so lost the confidence of the people, by the communications of the highest authorities of the state with such men as Castle and Oliver; and, above all, by the unfortunate circumstance of Mr. Reynolds appearing first as a grand juror and then as appointed to an ostensible situation abroad—as to render these transactions subjects of more alarm than a thousand combinations of starving mechanics.

Sir *J. Newport* objected to the measure altogether, but seeing that it was likely to obtain the sanction of the House, he would propose a clause to render its duration as short as the assumed necessity justified. By the present provisions of the bill it was to continue till six weeks after the assembling of parliament. This, it was evident, made its duration very indefinite, for it depended on the pleasure of ministers, at what time, after a prorogation or a dissolution, they would call parliament together. There was a rumour abroad, that a dissolution would take place after the termination of the present session, and consequently with the suspension act in existence. If this was the case, it was difficult to say when this oppressive measure would cease. He would not propose that any pledge should be required as to the time of assembling the House; but he would move, that the duration of the bill should be limited to the 1st of December, and thus make it necessary for the Crown to call parliament together, if ministers saw proper to prolong its date. Last year the difficulties of the country were allowed to be great, yet parliament was postponed by repeated prorogations till late in the winter. If ministers so exercised their discretion, this act might be continued as long as ministers chose to exercise the powers it conferred. If at any time it was more necessary than another that its duration should be limited, it was the present, when great general distress prevailed, and it was proved that agents employed by government had endeavoured to seduce the suffering people to the only acts that could justify an extraordinary exercise of power. It had been said, that our constitution could bend to circumstances, and he would allow that the present administration had found or made it flexible and accommodating enough. He would not, however, agree to this description of it. *Frangas non flectes* was the motto best suited to the British constitution, and the sturdy oak not the pliant willow its appropriate emblem. He concluded with moving, "that it be an instruction to the committee, to limit the duration of the bill till the 1st of December next."

Lord *Castlereagh* said, that the motion was altogether unnecessary, because it was competent to the committee, without the proposed instruction, to fix the duration of the bill at any period it thought proper. Such an instruction was called for, only where it was deemed proper to introduce in the committee some matter not strictly relevant. But, waving the point of form, he must object to the motion upon principle; for if the state of the country should be such at the period stated in the motion, as to require the further continuance of the act, he did not know that to call gentlemen to attend parliament, from the several districts in which their local influence and personal authority might be so usefully exercised, would not be a greater evil than the cessation of the act itself. As to the rumour of an intended dissolution at the close of the session, he could not think it probable that any of his majesty's ministers would have made such a declaration as the right hon. baronet had stated, for such a declaration would imply an interference with the prerogative of the Crown. But this had nothing to do with the question before the House. It would be obviously inconvenient to assemble parliament before Christmas, and especially so for the Irish members; and yet such a proceeding might be necessary if the motion of the right hon. baronet were adopted. The provision of the supplies, and the re-enactment of the mutiny bill, would of course render it necessary for parliament to re-assemble at such time as to render the right hon. baronet's apprehensions groundless, with regard to the indefinite duration of the bill. But yet he (lord C.) proposed to fix in the committee a definite period for the duration of the bill, not so early, however, as the right hon. baronet desired.

Sir *J. Newport* said, that the rumour of an intended dissolution depended on the authority of a noble peer high in administration, who had declared that such a measure was in contemplation, to more than one noble peer of his (sir J. N's.) acquaintance.

Lord *Castlereagh* could not answer for what was said by any individual, but he was not aware of any such intention.

Mr. *Wynn* said, that if Providence blessed us with a plentiful harvest, of which there was now every prospect, that distress which was the instrument of disaffection, would be taken out of the hands of the enemies of the public tranquillity, and the suspension act might expire on the 1st of December. Every member who supported that act allowed that it was an evil, and that it should not be continued one hour longer than it was justified by the necessity of the case. If, therefore, the difficulties of the country at the period mentioned should be so mitigated or removed as to render it unnecessary, it should then expire; but if dangers to justify its continuance should exist, much as he valued the exertions of members in their country residences, he thought this House would then be the proper sphere of their duties.

Mr. *Bathurst* thought any such instruction to the committee unnecessary.

The amendment was negatived. The House then went into the committee. Sir W. Burroughs moved two clauses; the one limiting the provisions of the bill to the counties of Lancaster, Derby, Leicester, Nottingham, and York, together with the towns of Birmingham, and Stockport; the other providing that no committal should take place under the bill, except the warrant, was signed by six privy councillors, two of whom should be the lord chancellor and the secretary of state. Both amendments were rejected.

Sir J. Newport then moved, that the duration of the bill should be limited to the 1st of December.

Mr. *Wynn* was in favour of appointing a determinate day for the meeting of parliament.

Lord *Castlereagh* objected to the limitation of the bill to a fixed period rather than to six weeks after the meeting of parliament; but if any fixed period was thought necessary, he would, to avoid the necessity of calling parliament together at too early a period, propose, that the duration should extend to the 1st of March.

Mr. *Gurney* asked, whether the noble lord intended that the persons now under arrest should continue for nine months longer in solitary confinement.

Lord *Castlereagh* said, that every reasonable indulgence, consistent with safe custody would be allowed to the persons in confinement.

General *Gascoyne* had supported the former measure, but as parliament was about to rise, he thought the duration of the bill ought to be limited, and that the 1st of December, or some definite time, should be fixed.

The committee then divided: For the amendment, 45; Against it, 78.

List of the Minority.

Althorp, visc.
Barham, J.
Barnett, James
Birch, Jos.
Brougham, H.
Burroughs, sir W.
Carter, John
Caulfield hon. H.
Cavendish, lord G.
Cavendish, hon. H.
Cavendish, hon. C:
Duncannon, visc.
Douglas, hon. F. S.
Fergusson, sir R. C.
Folkestone, visc.
Gordon, Robert
Grenfell, Pascoe
Gascoigne, Isaac
Gurney, Hudson
Heron, sir R.
Latouche Robert
Latouche, John
Lefevre, C. Shaw
Lloyd, J. M.
Leader, Wm.
Mackintosh, sir J.
Madocks, W. A.
Martin, J.
Monck, sir Charles
Moore, Peter
Neville, hon. R.
Osborne, lord
Onslow, Arthur
Parnell, sir H.
Ponsonby, rt. hon. G.
Pym, F.
Phillimore, Dr.
Ridley, sir M. W.
Romilly, sir S.
Scudamore, R.
Sefton, earl of
Smith, John
Smith, Wm.
Teed, John
Wynn, C. W. W.

TELLER.
Newport, sir John

Mr. *Douglas* objected to the extension of the bill to Scotland, and moved the omission of the clause by which that country was included in its operation.

Lord *Folkestone* wished to know whether, in fact, this bill would really extend to Scotland or not. He knew that, according to some legal opinions, the amendment made in the former bill, had taken Scotland out of the operation of the act [No answer was given].

Sir *S. Romilly* expressed his surprise that no answer had been given to the question of the noble lord: for if it really was the case that the bill could have no operation in Scotland, then it was not passed for the purpose of suppressing any dangerous practices in that country, but for some unexplained object of ministers. He believed that since the former bill passed, not one individual in Scotland had been committed under it. The question was not whether the Habeas Corpus had or had not been properly suspended in the early part of the session, but whether they should now pass a bill, purporting to deprive Scotland of the benefits of the act against wrongous imprisonment, though that measure was not called for by the state of the country, and when it was not certain that the bill could operate.

Lord *Castlereagh* said, it was evidently the intention that the measure should extend to Scotland. He saw no reason to suppose that it could not be executed in Scotland.

Mr. *Ponsonby* wished to know for what purpose the second committee of secrecy had been appointed? Was it for mere form, or was it to lay a parliamentary ground for this measure? If the latter, he could say, that the report did not touch Scotland, and he would assert farther, that not a tittle of evidence relative to Scotland had been submitted to the committee. When, therefore, the report was silent respecting Scotland, was it to be endured that the liberties of the whole Scottish nation were to be taken away on the mere recommendation of ministers? What availed the good conduct of the people, their unshaken allegiance, their loyalty or their attachment to the constitution, if this could be done at the mere will of an administration? If the committee, under these circumstances, extended the bill to Scotland, the vote would be the most violent and unjust decision ever made by that House.

Mr. *Bathurst* said, it would render the measure altogether illusory, if any privileged place was left, to which the authors of these hostile machinations might retire.

Sir *R. Fergusson* rose as a Scotsman to protest against the injustice of extending the measure to his country. He defied the noble lord to instance even a solitary case of disaffection. With respect to the apprehension that the right hon. member expressed as to emigration he believed there was little fear that Londoners would fly to Scotland.

Lord *G. Cavendish* observed, that all the disorders which had occurred in the disturbed districts mentioned in the report proceeded solely from the spirit of Luddism, against which the present bill was perfectly inoperative. Before the former bill passed, there had been a great many clubs in those districts, which were of an open, public nature; but after the bill passed, the people, instead of meeting publicly as before, assembled secretly in barns and Methodist meeting-houses, and in that way the late disorders were hatched up. He would ask whether Mr. Oliver, and such men as he, ought not to be regarded as the chief instruments in these movements? Nothing could be more culpable than that abominable system by which spies and informers were let loose among an ignorant people, to work on their passions and provoke them to acts of violence. He should not object to a law for punishing more severely the crime of frame-breaking, or any bill for strengthening the magisterial authority in the disturbed districts; but he must protest against the present bill.

Lord *Folkestone* expressed his surprise that ministers had not given any reply to his question. His question was, not whether it was a point of policy that this law should extend to Scotland, but whether in point of fact, Scotland was not taken out of the operation of the act by the way in which the clause was drawn up? If that was the case, it was of the utmost importance that the House should know whether they were legislating for Scotland or not.

Mr. *Bathurst* said, that Scotland was included in the act, but admitted that no person had been taken up, and that no evidence was laid before the second committee relative to the existence of treasonable practices or disaffection in Scotland.

The House divided on the clause for extending the provisions of the act to Scotland: Ayes, 129. Noes, 48.

HOUSE OF LORDS.

Friday, June 27.

MILITARY AND NAVAL OFFICERS OATHS BILL.] Lord *Melville* presented a bill to regulate the administration of

Oaths in certain cases to Officers in the Naval and Military Service. His lordship stated, that by different acts of parliament, certain oaths were to be administered to officers in the naval and military service, and by the practice which had prevailed, these oaths had invariably been administered to officers in the military service at some period after they had received their commissions; a similar practice had also of late years prevailed with regard to officers in the navy. A doubt, however, had arisen, whether by law these oaths were not required to be taken by the officers before they received their commissions; but there was no instance of the oaths having been so required to be taken. This being the case, and it being in every respect more desirable that the present practice should be continued, than that what was supposed to be the law—should be literally carried into effect, the object of this bill, was to legalize the present practice with regard to officers in the military service, and to assimilate to it the practice with regard to officers in the navy.—

The bill was read a first time.

HOUSE OF COMMONS.

Friday, June 27.

Petition of Thomas Evans.] Mr. *Bennet* presented a petition from Thomas Evans, confined in Horsemonger-gaol under the warrant of a secretary of state. He was denied pen, ink, or paper, summoned six times before the privy-council, and no other question asked than whether he was acquainted with Thistlewood, Watson, and questions of the like trivial import. The prisoner was removed to a condemned cell of the most wretched description, and a flute, his only amusement, taken from him. He was ironed for some time. His irons, after a visit from three magistrates, who said nothing on the subject, were afterwards taken off by order of the secretary of state, but he has not tasted fresh air since the 10th of April. He affirmed, that he had no connexion whatever with any designs against the peace of the country, and that by this confinement his trade is totally ruined, and his family reduced to beggary.

Mr. *Addington* did not believe the petitioner was more harshly treated than other prisoners under the same charges. As a proof of the kind treatment of such prisoners, he had to mention, that Mr. Watson had written a very becoming letter ro the secretary of state, thanking him for his indulgence to him while in confinement. It was impossible there could be any grounds for the complaints in the petition, but he should feel it his duty to inquire into the circumstances.

Mr. *W. Smith* did not rise to contradict the right hon. gentleman, for he had only said that there could be nothing of such severity by the orders of the secretary of state. He could believe that, and yet believe the complaint of the petition to be well founded. In the case of a lord-lieutenant of a neighbouring country (lord Hardwicke), he had known a similar contradiction. He had then papers put into his hand alleging the greatest cruelty to have been exercised towards prisoners: he could not believe that the lord-lieutenant could have sanctioned such acts, but he had no confidence in the tender mercies of the gaolers of that unhappy country. He had since known, from unquestionable authority, that the facts were true, and that the persons concerned deserved to be brought to condign punishment. In the same manner he could believe that the facts here were true, though the secretary of state had not sanctioned them.

Mr. *Barham* could not imagine that any person would dare to bring forward such specific charges if they were not true. The secretary and the under-secretary were respectable men; but he wished to know, as to one single fact, whether any one person was, for the sake of security, put in irons. When the House was about to pass a law, suspending the Habeas Corpus, what security could they have against the most flagrant abuses of such a terrible power? It was the bounden duty of the right hon. gentleman to inquire and to know when such extraordinary powers were claimed by the secretary of state.

Mr. *Peter Moore* said, that the noble secretary of state was an amiable and good man; but he was imposed upon by vile miscreants, deserving of a halter rather than of a pension. Mention had been made of transactions in Ireland under lord Hardwicke. He had then said that the lord-lieutenant was imposed upon, and so it afterwards turned out. In a committee appointed to inquire into the facts, it appeared that the conduct of Dr. Trevor, the superintendant, was such, that he ought to have been hanged a hundred times over. Yet this man was now on the pension list.

Mr. *Macdonald* thought the assertion of the right hon. gentleman warranted an inference which he was not perhaps aware of. He had said, that the petitioner was not worse treated than other prisoners. This prisoner was put in irons. Was the inference therefore admitted, that other prisoners were put in irons? The right hon. gentleman seemed to think himself bound to know very little on the subject.

Mr. *Bennet* said, the gaol was different from other gaols. In other gaols they had more room, and a yard to walk in. The gaol in Horsemonger-lane had no yard: for this, among other reasons, it was of essential benefit that gaols and prisoners should be accessible to the inspection of the public eye.

Lord *Folkestone* would fain know who it was that was responsible, since all magistrates and other persons were excluded? Under such laws and restrictions, who was responsible that prisoners were not put in irons, and even put to the torture? The secretary had promulgated a new law as to prisoners; and having done so, he now says he is not bound to know any thing about the matter. The other night it was stated that solitary confinement was authorized by the law: the noble lord (Castlereagh) had stated that there was a distinction as to high treason, and that all prisoners under that charge were committed to safe and close custody. The noble lord had taken this up from the attorney-general, but stated it more explicitly. He was not now prepared to deny the interpretation given to the law. From the books, it appeared, that all prisoners were committed to safe and close custody. In Bumstead's Reports, there was a case in which lord Coke lays it down as the law, that gaolers are bound to keep all prisoners committed to them in safe and close custody. The same doctrine was found in Bacon's abridgment, and in Coke upon Lyttleton. There was thus no authority for solitary confinement in the case of state prisoners. He had, however, seen directions from the secretary of state to keep them in solitary confinement. Irons were only to be applied when absolutely necessary. Other prisoners were not put in irons, and therefore it was not necessary here.

Mr. *Bathurst* thought it was too much to expect when a petition like that now before them was presented for the first time, that those connected with the department to which the case belonged should be able at once to speak to all the allegations which it contained. These could not be held to be proved to be true, till some inquiry had taken place on the subject.

Lord *Cochrane* thought the subject called for inquiry. The parties taken up had not been confined in the strong gaol of Newgate, merely because if placed there, the City magistrates could have access to them. He described the conduct of ministers to be most despotic; and maintained, that a man might as well live under the sway of one tyrant, as under the dominion of the deys on the opposite side of the House.

The petition was ordered to lie on the table. Mr. Barham gave notice, that, unless a satisfactory explanation should be previously given, he would, on Tuesday, move that the petition be referred to a committee.

Mr. *Brougham* said, that one of the allegations of the petition set forth, that a petition to that House had been detained at the office of the secretary of state. If this charge was founded, a great breach of the privileges of the House had been committed.

The petition was ordered to be printed.

Habeas Corpus Suspension Bill.] On the order of the day for the third reading of this bill,

Mr. *Bennet* said, that though he had but little hope of making an impression on the House by his opposition to the measure, he felt it his duty to protest against it. The noble lord who had opened this subject to the House, had properly divided it into the causes and the remedies of the discontent. The causes he (Mr. B.) conceived might be all traced to want of food and want of work in the districts which had been disturbed; the remedies were work and food. During the war the ingenuity of mechanics had been exerted to find all possible substitutes for human labour, and as the demand for the produce of labour, had now diminished, an enmity towards machinery had grown up and had broken out into acts of violence. It was fit that this spirit should be repressed, that if the vigilant execution of the laws were not sufficient, local laws might be enacted to suppress it,—but it formed no pretext for putting all Britain to the ban, on account of frequent breaches of the peace in five counties. There was no case more in point than the disturbances in the year 1812. If any one would look into the report drawn up at that time (and no one should proceed to a vote without reading it), he would find in it as many high sounding words as in those on which they were now called to suspend the Habeas Corpus act. It spoke not only of incitements to tumult, but of military array, of seizing of arms, of all the signs of levying war against the state. To meet that evil they passed the arms act, and the act against delegates. The first act was never executed; the other had been of some service. The discontent in that instance had originated in want of work and food, and it had greatly subsided as he trusted it would now, by the great demand for goods for a full shipment. He denied that there were strong marks of a political character in the discontents. Whenever Englishmen were distressed, as they were happily in the habit of looking to political subjects, the consideration of which was not confined, as in some other countries, to the upper classes, they would naturally put forward the faults and mismanagement of their rulers as in fact the causes of their sufferings, but there was nothing of a systematic hostility to the constitution, though some individuals had been urged on to hostile measures by spies and informers. He should say a few words as to the first report. That report had carried through the House the first bill for the suspension of the Habeas Corpus. But he was authorized in saying, by some of the members of the committee, that if that witness had been produced to them who had since been brought forward to the disgrace of criminal justice, his evidence would have been scouted by them. There was a disgraceful riot indeed, of which the promoters had escaped punishment on account of the ridiculous attempt to prosecute them for high treason. Was it to be supposed that a British jury could be persuaded that six men could levy war against the state? If there was any part of the first report, which would fix the crime of high treason on the persons concerned in the disturbances, it was the correspondence between the disaffected in London, and those in the country; but it was to be recollected that nothing in support of this, was tendered in evidence—it was not asserted or even alluded to by the attorney-general. The second report was drawn up in a spirit very different from the first. The hands which had framed it had some practice in report making; the theatrical manner in which the facts had been stated, had been sobered down to flatness. One of the principal facts mentioned in this report was, the march to London, under the pretence of petitioning. From the best information, that of the magistrates themselves, he could state that the impression on the minds of the magistrates engaged in the late examinations at Wakefield was, that the whole plan and project referred to, had been the work of spies. It was not Oliver alone, who had been at work, but a thousand others; the business of a spy was a trade, which had been pursued with great success; so much as 10, 12, and 13 shillings a night had been paid to these workers of mischief. The report also contained allegations as to the conduct of particular persons; for instance, that one man avowed himself a republican and a leveller. He had no doubt that evidence might be collected that hundreds were republicans and levellers. Mr. Colquhoun had stated, in his book on the police, that 25,000 persons rose every morning in London without any other prospect of subsistence than by plunder. Who would doubt that these men were republicans and levellers; that is, that they would desire to get as much as possible of the property which they did not possess? It was also said, that the insurrection in the time of Richard 2nd and the Irish rebellion, were held up as models for imitation—very unfortunate models, as, in both those instances, the leaders had been punished. Was there any thing like a shadow of truth in these stories? or, if they were true, could they have had any effect? As, in the first report, there was a plot to destroy London, so, in the second, there was a plot to destroy Manchester. This suggestion, he had no doubt, was the work of the spies. In 1812 it was proved that the men who were employed to detect the rioters had suggested that they should burn the poor houses. "What!" said one of the rioters, "shall we burn the poor?"—"Yes," rejoined the spy, "any thing to do mischief." It was more likely that such a proposition should be made by spies. If all the carpenters in London were to conspire to throw their working-tools into the Thames, it would not be more absurd than for the manufacturers to destroy the sources of their employment. The barracks it was said were to be set fire to; the soldiers were to be burnt out, as in London they were to be smoked. Birmingham had also, in this report been mentioned as a place which had sent delegates. Several gentlemen at Birmingham seeing this account in the report, had set on foot a minute inquiry. He had received the account of the result from a gentleman of respectability and property, of the name of Clark, who was well known to those acquainted with the town of Birmingham. The hon. member here read a paper, which stated, that Oliver had been in Birmingham. He was first introduced there by Mitchel. He was there in April, in May, and again in June. He stated that he was intimate with sir F. Burdett, major Cartwright, and other friends to parliamentary reform: he never saw more than the five men whom he met at Mitchel's friend's; he spoke of a plan for a meeting of delegates, and when he could not induce them to join in this design, he, on his return to Yorkshire, sent two messengers to inform them that a rising was intended, and begged them to send some one to meet him at Dewsbury on the 9th of June, which was the day on which he was arrested at that place by sir J. Byng, and afterwards liberated. He stated, that he had the management at Liverpool, Manchester, Leeds, the rest of Yorkshire and Derby; and if he had persuaded any of the five persons he saw to have joined in his designs, he would no doubt have added Birmingham to the list. All these five persons were ready to give evidence, and the writer was authorised to implore that the House would examine them at its bar. Oliver seemed to have plenty of money, and never spared expense. Where this man got his money, perhaps those who employed him could say. It was said that he was not to be rewarded; he hoped that not only he would not be rewarded, but that he would be put upon his trial, to answer the offences which he had committed. Were such men as this to be sent forth on a mission against the lives and liberties of the subject—to raise plots, which, while they might destroy the lives of individuals, were to induce the House to pass, and the country to submit to, the suspension of the liberties of the whole community. To send persons to drive and drill the people into crimes, was an insult to a free country. It was not, however, wonderful that the persons who protected Reynolds, and bestowed honours on him—that the men who produced Castles as a witness—should, as part of their system, employ such men. As to the secretary for the home department, he believed him to be a man of great humanity, but in point of judgment extremely weak. How otherwise could he have been made the dupe and tool of a wretch like Oliver—the most infamous miscreant that had ever been let loose to scourge a country?—He should now mention some other facts respecting the mission of Oliver. He should state the heads of the examination which took place at Wakefield on Monday the 16th of June last, for the accuracy of which he could pledge himself. The hon. member then read the heads of the examination of Mr. Dickinson. The next evidence he mentioned was that of a person who had been an accomplice—he should not mention his name—he was a native of Sheffield. He stated, that Oliver had been represented to him as a man who did great things in London. Mitchell had preceded Oliver, and had told them they might rely on him. Deponent was appointed a delegate by Oliver; all the other delegates were named in the same manner as deponent. One delegate was rejected by Oliver, and deponent knew that Oliver must have approved of all of them! This has been sworn to before the magistracy.—It thus appeared that this Oliver had been the instigator and contriver of all this transaction. He had led on the miserable, starving, and indigent people; and it was imperative on the government to deliver him up to the law he had violated. He should be sorry to say any thing which should draw down upon individuals the punishment of death, a punishment which he thought should never be inflicted except in case of murder; but it was rather singular that there remained at this moment, in Newgate, men under sentence of death for endeavouring to create, not treasons, but felonies, for the purpose, like the miscreant Oliver, of selling fellow beings to destruction.—He contended, that the operation of the measure on the country neither had been nor could be beneficial. In former times, when rebellions were about to break out, supported by men of rank, weight, and influence, the Habeas Corpus act had been suspended, to enable the government to arrest the heads of the rebellion—as in the case of the arrest of sir W. Windham, in 1715. But where were the sir W. Windhams of the present day? Unless something better could be advanced for this measure than the information derived from such men as Castles and Oliver, he would protest against intrusting the liberties of the people at the disposal of ministers on their testimony. The persons taken up on the information of the latter had been discharged, and those accused on the testimony of the former had been acquitted; and was the constitution to be suspended on the evidence of miscreants whose testimony was not sufficient to convict the individuals against whom they appeared as witnesses or informers?

Mr. *C. Grant*, junr. said, that the hon. gentleman opposed the measure because he denied the danger, and thus gave them to understand, that he would support the former, provided the latter could be satisfactorily established. It was because he (Mr. G.) thought the danger imminent, and that the exigency of the crisis could be met in no other way, that he would vote for the bill. It had been erroneously stated, that this measure was a suspension of the constitution; whereas, it was merely a remedy for a case contemplated by the constitution. The hon. gentleman had denied that a conspiracy against the state existed, because the only alleged disturbances proceeded, in his opinion, from the instigation of government agents. It had never been proved, however, that government had sanctioned the conduct which Oliver was accused of pursuing, or that any person was implicated but that individual himself, who had acted without any countenance from his employers. He heard many gentlemen deny, on these grounds, the existence of all danger; and, from a regard to their judgment and integrity, he should have been staggered in his own convictions of an opposite kind, did he not recollect that men of good principles and sagacious understandings had been found in all ages and countries who, in seasons of great public alarm, distrusted the reality of approaching calamities, and, by their incredulity, increased the danger in which they disbelieved. Ancient and modern states furnished examples of fatal error, which allowed the designs of conspirators to advance unchecked to a point when resistance became unavailing. Of Cataline's conspiracy, it had been said, by a great orator and statesman, when speaking of the character of such men to whom he had alluded, "Nonnulli sunt in hoc ordine, qui aut ea quæ imminent, non videant; aut ea quæ vident, dissimulent: qui spem Catalinæ mollibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt." Was there nothing disclosed in the reports that manifested designs against the state? We had plots; we had secret oaths; we had organized societies, committees, subcommittees, and delegates, blasphemous, and seditious songs; and, above all, the prostitution of the press to the most infamous purpose of destroying all loyalty to the throne and all reverence towards religion; thus making the people immoral, impious, and turbulent upon system. The most dangerous doctrines were propagated to aid this settled design: the rich were declared the natural enemies of the poor; plans of robbery and spoliation were recommended to the people as the means of recovering their rights, and a division of the land was held out as the attraction for rebellion. By these dangerous doctrines the poor were taught that they could only find their just level in the disorders of the state, and seduced from their duties of loyalty and honesty. These were the dangers against which this measure was intended to protect the public peace, the public morals, and the national faith; and much as he valued that sacred bulwark of our liberties, the Habeas Corpus, he would say, that he valued the sacred principle of public order and religion still more. It was well known that this country had of late years taken a great start in population, wealth, manufactures, and political consequence; but it could not be denied, that in this change there were causes of danger generated which did not exist before. Great masses of people were assembled in single districts, whose occupations were precarious, and who, as they had not improved in morals or advanced in education in proportion as they had increased in numbers and physical force, might, in a season of distress, be excited by turbulent and unprincipled demagogues to disturb the national tranquillity, and endanger the constitution and religious institutions of the state. It was said by an hon. gentleman that all that the people wanted was, not insurrection, but food and employment. He allowed that their discontents might be allayed by prosperity; but who was to ensure that prosperity? or how was public order to be preserved till it returned? It was strange to hear that poverty and distress, which constituted the source of the danger, converted into an argument to disprove its existence. But it had been said, admit distress to be a reason for suspending the constitution, and there was no limits to such tyrannical interference. He could not allow this argument to be well founded. The distress, he hoped, would be only temporary; the other causes of danger, such as the want of regular education, and the demoralizing influence of the poor laws, might be more permanent; but still they were not indefinite; and, when the distress was removed, might no longer excite such alarm.—When it was asked, were not the ordinary laws sufficient for repressing these causes of danger, by punishing popular excesses or seditious attempts? he would answer, that ordinary laws were sufficient for ordinary times; and that the suspension act was merely intended to arrest the progress of evils which would deprive them of all their efficiency, and to prevent that state of things which, if once realized, would render confusion irreparable. In the case of individuals, prevention was better than punishment; in the case of nations, prevention was the only safe policy, and the other alternative was impossible. It could not for a moment be admitted as a question with regard to the state, whether we were to avert an approaching evil, or to enter into a struggle to defeat it. In such a struggle the constitution might survive, but it could not be expected to come out of it unimpaired. This observation seemed to apply with peculiar force to those who argued against the suspension, on the ground that it should never be resorted to except in a season of general disaffection. The effect of this bill would be to prevent general disaffection, by giving a power to restrain the efforts of those who were endeavouring to spread it; as, when it arrived, nothing but a civil war could be expected to ensue.—It had been said, if the disaffection is not general, why not make the operation of the bill local; but it was sufficient to reply to this question, that if its operation was confined to particular districts, the evil would diffuse itself over others, and would make the danger general in all the country, except in those very places where the remedy was intended to apply. It was argued, that the evil was not alarming, as only the dregs of the people were imbued with corrupt principles. This was equivalent to an assertion, that property, wealth, and talents, were necessary to constitute danger; but did the history of revolutions warrant such a belief? Was it true, that what was dangerous in the result never followed what was ridiculous or contemptible at the commencement; and that what was formidable was never joined to what was absurd? An opposite experience was written in the annals of Europe; and the disastrous history of revolutionary France loudly warned the world against deciding on the practical success of a political doctrine from its theoretical absurdity. Those who argued against the present bill had denied the efficiency of the former suspension act. Whence did they derive this fact? The reports of both Houses stated the contrary. They declared, that though it had not removed danger, it had checked it, and had acted as a salutary control over demagogues, who endeavoured to disturb the public peace. It likewise gave courage to the friends of order, the loyal and virtuous portion of the community. He believed the majority of the people were well disposed, but they ought not to be left to the attacks and machinations of the turbulent and the seditious.

Mr. *Warre* said, that although he had voted for this measure three months ago, he felt himself bound in conscience to oppose the present bill, especially from a review of the reports of the committees who recommended the enactment of the measure. In the first report, he observed that the head and front was the Spencean system; but in the last report, the existence of this system was not at all alluded to. The hon. member animadverted in a strain of ridicule upon the report of the last committee, particularly with respect to the alleged conspiracy at Manchester, and the riots in London.

Mr. *Protheroe* also opposed the bill, although he had voted for the measure some months ago. He was alarmed with the report of the committee at the beginning of the session, but the inquiries that had since taken place, enabled him to see the danger in a different light, and to satisfy himself that it was very much exaggerated. He could not, therefore, consent to place the constitution in abeyance any longer, and should certainly vote against the bill.

Mr. *Hart Davis* differed from his hon. colleague, and thought it due to the loyal inhabitants of Bristol, as well as to the country at large, to take every possible precaution to defend them from the evils of anarchy and rebellion. He was satisfied, however, that if on the occasion of the late trials the prosecution had been confined to a lower description of offence, there would have been little difficulty in proving their guilt.

Mr. *G. Bankes* supported the motion. He could not conceive any basis more proper upon which the measure could rest, than the result of those investigations which had been made by two committees of that House. He was not aware of any circumstance that had transpired since the first report, or since the bringing up of the second report, that could justify him in lessening his confidence in them. The only difference was, that disaffection had now withdrawn itself from the seat of government, but he saw nothing in that circumstance which made the general danger of the country less.

Mr. *Barham* could not help regarding the danger to the state, upon the alleged existence of which the bill was principally founded, as a ridiculous phantom. He could discover in it no reason for depriving the country of the best security for the possession of its liberties, and without which every other security was an idle and useless provision. So long as the power of tearing him from his family, without a cause assigned, was vested in any man, it was an insult and a mockery to talk to him of the blessings of our free constitution. He should prefer to live under martial law rather than under a suspension of the Habeas Corpus act. The duration of martial law would probably be short, but the continuance of the present measure was necessarily uncertain. He should feel himself a freer man living under martial law than under a deprivation of the right to a trial by jury. This was the great right that distinguished, in his opinion, a British subject from a subject of the dey of Algiers. The chief cause of the existing evil was a state of general distress; and severe distress never could be felt without producing some degree of discontent. An argument had been drawn in favour of this measure from the personal character of the minister to whom such extraordinary authority was to be intrusted. Without entering into that inquiry, he must declare, that this was not an English consideration. It was by a jealousy of, and not a confidence in, the executive government, that the balance of our free constitution must be maintained. The boast of Englishmen had always been, not that ministers would not, but that they could not disturb the personal liberty of any individual. The abominable sentiment, as versified by one of our favourite poets, seemed to be the principle by which parliament was now advised to direct its policy:—

"For forms of government let fools contest,
"Whate'er is best administered is best."

He had his suspicions that the actual extent of the evil, was in a great measure, to be imputed to his majesty's ministers, who appeared to have suffered it to have grown up in order to furnish a pretext for demanding these new and extraordinary powers. Instead of palliatives, they had applied caustics to the distemper, which aggravated instead of abating its symptoms. He trusted that he was a loyal subject, and ready to spill the last drop of his blood in defence of the constitution; but he felt himself bound to state, at the same time, that the suspension of the law of Habeas Corpus would leave little or no choice between the advantages of the British laws and those of any foreign government.

Dr. *Phillimore* said, it was with painful anxiety, and after a laborious inquiry into the facts and circumstances upon which this measure was founded, that he rose to give it his support. It was not before he had gone through a long examination of the subject, that his mind had arrived at the conviction that the bill was the dictate of a necessary and even of a humane policy. The whole subject resolved itself into two questions; first, as to the existence of the danger, and secondly, as to the propriety of the remedy. He had the admission of an hon. member, who had been vehement in his opposition to the bill, that the existing danger was great, that the leaders of the disaffected, if not formidable from their property—or rank, were important from the possession of popular talents and great energy of character. A right hon. gentleman had expressed his doubts with regard to the extent of the evil; but he would ask him whether he did not believe that this measure must operate as an engine of powerful and salutary intimidation against those to whom alone it was likely to be applied? He supported it because he deemed it a debt of justice which parliament was bound to pay, as a necessary security for the lives and properties of their fellow-citizens. He did not believe the conspirators had it in their power to overturn the constitution, but it did not follow that they might not have produced serious and irreparable mischief. The destruction of a populous town, or the desolation of a cultivated district were evils of no trifling magnitude.—

The reign of Richard the second was fertile of instances in which the violence of an insurgent force, and the excesses of a populace, inflamed by fancied grievances, were fully represented. The alterations in the state of the country, and the various exigencies of affairs, had rendered it frequently necessary to suspend the operation of the act in question. Since its first enactment the reign of James the second was the only reign during which no suspension of it had taken place: yet the principles of liberty had never been so well understood as during the last century in this country. Very few were disposed to deny that the suspension of the year 1793 was an expedient measure. In answer to the objection, that this proceeding had never been adopted except during a period of civil or foreign war, he should say, that a danger similar to that which at present threatened the constitution had never before existed in this country. With regard to the employment of spies, circumstances occurred in the history of all countries, in which governments found it necessary to resort to such means for detecting mischievous designs. On this subject he would refer to what lord Clarendon had said on lord Falkland's objection to the employment of persons of that description. It was with reluctance he gave his consent to the bill, but his vote was founded on his conviction of the urgent necessity of the measure.

Lord *Nugent* said, that he had not intended offering himself to the House, but that some things had fallen from different gentlemen in the course of debate, particularly from his hon. and learned friend who spoke last, on which he could not but feel anxious to offer a few observations.—That, on a question of this importance to the happiness, safety, and freedom of our country, a question which demanded from every member of that House who wished to act conscientiously or reasonably the discharge of a very awful and difficult duty, he was sure he need not, so impressed, doubt that the House would indulge him with its patience, if, in reply to his hon. and learned friend, he expressed, (with whatever reluctance he might feel in so doing), the grounds on which he had determined to give, as far as one vote could go, his assistance to this proposition in every stage.—He had listened with deep and respectful attention, he hoped impartial too, to all that had fallen from those who had preceded him in debate, and he must say that he felt himself decided and confirmed in the impression he had long ago conceived of his duty, under the present circumstances, to sacrifice all other considerations in order to assist, by one vote at least, the constitution of his country against the gigantic dangers which he saw surrounding and growing in upon it on every side. When he found some of those whom he had always considered men of the first authority in his country, men whose judgment was most venerable, and whose virtues were most dear to him, having sanctioned with their concurrence propositions like that of to-night, the grounds were certainly not in his estimation weak or unimportant which could induce him to resist that proposition—[Hear!].

He had read with great attention the report he held in his hand.—As the report of a committee of that House, he was bound to respect that instrument;—for many of the members who composed that committee he entertained great personal respect. For some, certainly feelings of the highest veneration and the most implicit confidence. But on a point like this, he could not, as some gentlemen declared themselves prepared to do, take as imperative on his conduct the report of any committee, however composed, so long as he found that committee left to judge, in both instances in which it has sate, on evidence entirely *ex parte*, on evidence not taken on oath, and, above all, on evidence prepared and selected by ministers, who have, in this case, put their country on its trial, and have themselves stood forward as its public accusers, to support the indictment. In this accusation, considering the sentence which the country is to undergo in the event of conviction, I think a very strong case indeed ought to be made out to support it. It is not too much that some witnesses should be examined and some case gone into for the defence. For, let it be remarked, that this committee has not been acting here (as some gentlemen have represented it,) as a grand jury to find evidence merely to put the case on trial, but we are required to inflict a certain and a heavy punishment on the whole people of England, upon the final recommendation and verdict of this committee. If I had felt no objection, Sir, to the suspension of the Habeas Corpus act on which we were called to vote three months ago, the mere fact of that suspension having been followed up by no one act to justify its necessity would, with me, I confess, have been conclusive against renewing these extraordinary powers now.

But, we are told that we are not to judge of the necessity of the first bill of suspension, of which we have already made trial, by the consideration of whether or no the cases which have arisen might have been adequately met by the application of the ancient laws of the realm. My hon. and learned friend says that much has been done in the way of prevention, much in the way of intimidation, by the former suspension, and we are told that, without it, we might, before now, have had a rebellion in the country. Now, Sir, I think that, in every case, it is not too much to leave the *onus probandi* distinctly on those who assert a strong affirmative proposition. It remains with them to show how the safety of the state has been preserved by suspending its constitution.

But on what evidence is it that we are called upon to give credence to the existence of such a state of things in this country as can justify such an assertion? as can justify such means having originally been had recourse to? but above all, as can justify, after the miserable success of the original suspension, the repeating such a proposition in the face of the representatives of a free country? Are we to judge of the evidence by the terms of the report now before us? Are we to judge of it by the published report of that trial which has lately reflected such deep disgrace upon his majesty's ministers, I mean the trial of the elder Watson? A trial which was so managed on the part of government as (by the enormous folly and wickedness of hazarding an unsupported indictment for treason where you might doubtless have convicted and punished for riot and sedition), so managed, I say, as to raise a few paltry incendiaries almost to the dignity of political martyrdom. On whatever information we take it, we are to rest our solemn belief of this state of things mainly upon the almost unsupported evidence of the basest, the falsest, the most treacherous of human kind, I mean the hired informers of the state!—wretches whose trade it is to create disaffection in order to betray it; who, before they can be your witnesses, must have gone through all the odious, unnatural, process of associating with traitors, of encouraging and abetting and fortifying their treasons, in order to sell their blood at a better price!—Can such men as these be believed, when they stand forward (matchless impudence!) as the accusers of the people of England?—By what motive can you tempt such men to tell the truth?—By what form of adjuration can you bind the consciences of such men in the presence of Almighty God? [Hear, hear!].

My hon. and learned friend has quoted, on this point, the opinion and practice of my lord Falkland, as set forth in lord Clarendon's immortal eulogy on the unspotted character of his departed friend—I rejoice that he has so done. The record in which those sentiments are found is memorable, almost as memorable as the sentiments themselves—I willingly leave the subject of hired informers and spies to be judged by the opinion and practice of that truly gallant, amiable, and exemplary man; and I mean it not offensively, if I say that I am not afraid to set at issue, on the one hand, the authority of lord Falkland and the eulogy of Clarendon, with, on the other hand, the authority of his majesty's present ministers and the eulogy of my hon. and learned friend.

An hon. gentleman on the other side has said that the opinions and judgment of the people of England are on the side of ministers. He has talked of appealing on the subject of this suspension to the opinion of the people of England. To the opinion of the people of England? Good God, Sir, do we not know that the people of England dare not express any free opinion at all? We know that we have gagged their speech by our sedition bills, we know that we have fettered their press by our *ex-officio* informations; we know that we have made every magistrate in the country the supreme judge and summary punisher of blasphemy and sedition. We have made it sedition to talk contemptuously of his majesty's present government, and, lastly, to fill the measure of intolerance and oppression, we add insult to it by appealing to the free opinion of a disfranchised people.

There is, and there must be expected to be, a wide difference between the allegiance a man bears to a free government (an allegiance implanted by nature and sanctioned by education) and the allegiance demanded by a government which, if it suspends the constitution without good cause, can, in return for allegiance, give neither protection nor freedom. There is in the English people a love and admiration of the course of public justice in this country, which supports and strengthens the law. These feelings, however, may not be continued under a state and dispensation of things in which the course of criminal justice is stopped to the very spring, under a government, which, instead of ruling by the laws, rules by a system against all law, and against all morals,—a system which can only be enforced through the agency of all that is most perjured, most treacherous, and most base in human society.

Sir, for my own part, I confess, I cannot respect the qualities of an administration (nor can I even pity its distress), which cannot enforce obedience to public justice, which cannot suppress immorality and sedition, nor keep the people within the pale of the law, except by claiming extraordinary and unconstitutional powers, powers of themselves capable of great abuse, and in their essence highly dangerous to public liberty. My hon. and learned friend says, that he believes that public liberty was never more generally felt or understood in this country, than within the last hundred and thirty years. Sir, I will myself go further, and say that I believe that, in spite of all the enactments of this reign, public liberty has never been more generally understood, nor more fully enjoyed in this country than during that period. But, on the other hand, I believe as conscientiously that public liberty was never in greater danger than at this very hour.

We have heard much of sedition, and much of the inflamed and disaffected state of the country. Much as these topics have, I think, been exaggerated, by the manifest fears of some, and by the equally manifest interests of others, thus much, at least, for my own part, I believe. I believe that there are some very dangerous spirits abroad (besides those disgraceful agents of government) busy, perhaps, but too successfully in poisoning the public mind, and weakening the first general principles of social order. But, if I believe this, if I see immorality and sedition gaining ground among the people, I look to the government of the country, not only as responsible for the issue, but as guilty of the fact. I look to ministers, whose evil administration, whose unfeeling profusion on the one hand, whose boundless corruption on the other, have brought the people to such a condition of distress by the former, of immorality by the latter, that they are but too well prepared to receive any system that madness can invent, or any doctrines that wickedness can recommend. With respect to the wicked and visionary deluders of the people, be they wicked, or be they only visionary, or be they both, I will say, that no one who hears me more deeply than I do abhors their practices, nor more fervently deprecates their success. But were the case a thousand times worse than it is, were it capable of being shown (which God Almighty forbid), that we are now placed in the dilemma between popular commotion on the one hand, and on the other a continued suspension of our rights, I think that even at that dreadful issue, even in that awful alternative, I should be speaking in the spirit at least of the British constitution in saying that I should prefer, as the lesser evil, public disquiet to the risk of freedom so long suspended that it may never be restored, —that I had rather see my country revolutionized than see it enslaved—[Hear, hear! from government]. I repeat it.— I had rather see my country revolutionized, than see it enslaved [loud cheers from opposition].

It was said, some time ago in this session, that we had already parted with enough of our liberty. It was said by a noble lord, whose name is synonymous in this country with public virtue and old English love of liberty, if the carrying his proposition a little further can be said to be differing from him, in thus much only, Sir, do I differ from that noble lord, —I think that we have already parted with a great deal too much of our liberty. We have parted with too much of our liberty in our statutes and institutions, but,—what is, in my opinion, much more calamitous, what is fraught with infinitely greater peril in its probable results,—we have parted with our liberty in many of our useful and virtuous prejudices; we have parted with our liberty in much of our anxious care of it, in much of our pure and jealous love. I fear the tide of public opinion has rather set the other way. The sensibility of the country is morbidly awake to the dangers of popular commotion, but lamentably cold to those of arbitrary power; and I fear, from the example of the past, and from the tendency of what is now doing, that there is in store for us a long series of years in which it will be the care of government to keep down and extinguish that first of virtues in a people a free spirit; and that, in those times there will be but little of public virtue or firmness in the people to fence round and secure their privileges against the encroachments of their governments.

Sir, I will trouble the House no longer; I may be visionary, I may be enthusiastic. But, God is my witness, I speak as I feel, and I should be a traitor indeed if, feeling as I do, I did not utter my sincere protest against what I think must be the inevitable consequences of such a system. I entirely agree in all that was so ably, so eloquently, and so impressively said the other night by my right hon. and learned friend, if he will allow me the ambition to call him so (sir Samuel Romilly,) on the bench below me. He spoke in terms not to be forgotten or disregarded; I wish I could believe, that in the awful and prophetic close of that memorable speech, he was deceived in the present state and future prospects of our country. These are times which call on every gentleman, who feels rightly and warmly for the character, happiness, and freedom of his country which call on every father of a family who wishes to transmit his country's laws to his sons, as from his fathers he received them, entire, unsullied, and free, to step forward and resist, by every legal means within his power, this torrent which has broken in upon the constitution. It is in the discharge of a solemn and imperative duty, that, with these sentiments, I must vote against this bill [loud cries of "Hear!" from opposition].

Mr. *Lamb* perfectly agreed with the noble lord in one sentiment which he had uttered, namely; that he would rather see the country revolutionized than enslaved; but the way to prevent the country from being enslaved was, in his opinion, to adopt such protecting measures as that under consideration. If those who thought with him were accused of exaggerating facts, and placing every thing in too strong colours, on the other hand, it surely could not be said that the noble lord had understated his case. He had never undervalued the benefit of the Habeas Corpus act, and would not consent to its suspension without the strongest reason; but he could not concur with the member for Bristol, and others, in supposing that any difference between the two reports afforded a reason for not adopting the present bill. If their opinion were founded on the idea that the conspiracy described in the first report was ripe for explosion, that had not been the foundation of his. It would be recollected, that he had laid very little stress on the report. He had given his opinion on a consideration of the spirit of the times, and the language held at public meetings, some of which were adjourned from time to time. What had been stated at those meetings respecting parliamentary reform, and the declarations that they were to resort to physical force, if their petitions were rejected, indicated a most dangerous spirit. In fact, the petitions which had been presented to that House were not petitions for reform but for revolution, since they prayed for annual parliaments and universal suffrage. He did not mean to say that all who signed these petitions desired a revolution; some of them might be well-meaning but mistaken enthusiasts; but he would assert that, in the general acceptation of the word, revolution must be the result of that change which annual parliaments and universal suffrage would create, and which would inevitably be followed by a military despotism. This unfortunate situation of things, arising from the spirit and temper of the times, was greatly aggravated by the manner in which the press was too generally conducted. He did not mean, in saying this, to pronounce an indiscriminate censure. He was aware that there were many instances of moderation, candour, and great ability, in the management of periodical publications; and he made much excuse for the haste in which daily papers were printed; for he believed that, in consequence of the want of time, articles frequently appeared, the insertion of which was afterwards regretted. Still however, it was reasonable to consider the press, and, in particular, that part which was printed on Sunday, as tending greatly to foster discontent in the country. With respect to the latter publications, he had long observed, that they studiously threw into the back ground all that was excellent in the law and constitution of the country, and brought forward in the most aggravated colours, every thing which could be rendered a topic of complaint. This practice, too, was always carried on with particular activity during the prorogation of parliament, when the statements which were hazarded could not experience so ready or complete a refutation. It was common to speak of the power of the press, and he admitted that its power was great. He should, however, beg leave to remind the conductors of the press of their duty to apply to themselves a maxim which they never neglected to urge on the consideration of government—"that the possession of great power necessarily implies great responsibility." They stood in a high situation, and ought to consider justice and truth the great objects of their labours, and not yield themselves up to their interests or their passions. His friends would, perhaps reproach him with instigating ministers to curb the press; but nothing, he assured them, was farther from his mind. He was aware of the great benefit the country derived from the liberty of the press, and nothing could induce him to concur in any measure that might tend to injure it; at the same time he was free to confess, that its state had an influence on the vote he gave on the present question. With regard to the statements in the reports, though his vote was not founded on them, he believed them to be generally correct. The Manchester plot had been ridiculed, but ridicule was no argument. It was certain the insurrection in Derbyshire had taken place as described, and that, too, before Oliver had appeared in the country.—With respect to the employment of spies and the encouragement of informers, he said, that it appeared to him to have been left upon its true ground in the last debate. It would certainly be much better, if amongst men there could be a perfect reliance and confidence of the one upon the other. It would be well if there were no fraud, no violence, no combinations against life, property, and character; such were a consummation devoutly to be wished; but we all knew very well, that it was not to be expected under the present circumstances of human nature; therefore it would be giving fraud and crime too great an advantage, if they were to have the free use of all their own arms, and if no means of the nature alluded to were to be resorted to for their prevention and detection. Such measures ought to be taken with due circumspection; such evidence should be received with due caution, but the taking such measures and the receiving such evidence was a necessity forced upon us by the imperfection of our nature. With respect to the persons themselves who undertook such tasks there could be but one opinion. Such businesses necessarily involved in themselves falsehood, breach of trust, and a simulation of the best and most sacred feelings of our nature for the purpose of ruining and destroying those towards whom they were put on. It must, however, be remembered, that in human society there were many functions necessary to be discharged, many duties indispensable to be fulfilled, with regard to which the only feeling was astonishment how any persons could by any means be found, or by any motive induced to fulfil and discharge them. With respect to the affair at Huddersfield, the fact had not been denied. It was admitted that there were on the night mentioned in the report on the bridge at Huddersfield a body of armed men, the number might be disputed upon, with hostile intentions against the town. Now, if Oliver instigated the rising could it be contended that he spread throughout the country the animus the rebellious feelings which induced them thus to act according to his instigation? It was impossible—it was absurd in itself—the fact was, that those counties had been long in a disturbed and fermenting state—Luddism was a most dangerous system—he had always thought it most unwise to consider it a mere local and temporary ebullition, It was an organized plan to carry into effect measures by main force; if it were suffered to prevail for one purpose, it would very soon be transferred to others; if it were allowed to be practised in one part of the kingdom, it would very shortly spread wherever the discontented had an object to carry. It acted by intimidation and the intimidation upon the minds of the middling orders of people was great in the counties in which it had prevailed. He should be for the extension of the power proposed to be granted to ministers. If when this power expired, the alarming symptoms still continued it would then be time to adopt measures calculated to meet the particular evil. But he had always thought it more favourable to liberty to resort to a measure of this nature, extraordinary, and in its nature temporary, which must cease, and from which they would return to the constitution safe and unimpaired there to enact new laws upon new principles which they might afterwards find it very difficult and inconvenient to repeal, and which might therefore become perpetual. He could wish, however, that the term assigned for this measure were such as would ensure an early meeting of parliament. Nothing tended in such a degree to fix the eyes, and tranquillize the minds of the people. Much of the disturbances of the last year might be attributed to the deferring so late the meeting of parliament. Gentlemen were of far more service to their country in their places in that House, than in their respective counties, beneficial as their presence there might be—the suffering the measure to expire now would be sending forth amongst the people persons of considerable influence and of the worst intentions, who would infallibly labour to revive all that was now quiet. It would also give a general stimulus and encouragement to the spirit of disaffection, and upon the whole he gave his vote for the question with regret and anxiety, but without doubt—if he was the only leader in these disturbances, did he give the people the previous animus also? Some gentleman expected that a plentiful harvest would restore tranquillity to the country, and he hoped it would; but if that should not be the case, it would then be necessary to consider what other remedies could be resorted to; whether some measures limited to the districts in which the disorder chiefly prevailed ought not to be adopted?

Mr. *Macdonald* rose and said:—

Mr. Speaker;—I am glad that my noble and honorable friends intervened between the learned civilian who spoke before them (Dr. Phillimore) and myself; for, whatever pleasure I am sure I shall derive from hearing him in future, I must own that on seeing him for the first time rise in his place, I could not without the deepest pain be thus reminded of the loss we have sustained in his lamented predecessor; a loss which we shall indeed long feel upon every occasion, but on none so much as on an occasion like the present, so vitally interesting to the cause of public liberty —a loss too, the recollection of which, is not a little aggravated by hearing to-night from his successor, opinions and doctrines (I mean it not offensively) so widely different from those that would have found place in my late friend's breast. Sir, the learned doctor, as also my hon. friend who spoke last, occupied altogether with the alarms that possess them, have, I think, endeavoured to keep a little out of sight the full extent of the sacrifice it is proposed to us to make. What is it we are about to take away from the subject, and what to confer on the servants of the Crown? for down to the last hour of the discussion, it cannot be too repeatedly brought to our consideration—We are about to take from the subject the great essential, fundamental law which gives to every Englishman of every degree, the right of knowing his accusation, and of claiming his trial by his peers! We are going to confer on the Crown, on the other hand, the absolute and uncontrolled disposal of the personal liberty of every inhabitant of the British empire, subject too to no question,—for it would be a mockery not to assume, indeed it has been sufficiently admitted, that a bill of indemnity must be the necessary appendage of this measure,—why then, at least we know what we are about; we are legislating with our eyes open. But revolting as this may sound, it has been done before, we are told. It has been done before under other circumstances, then why not under present circumstances? It has been done for a few months, then why not now for a year, or a few years? It has been done in time of war, then why not in time of peace? It has been done during the setting of parliament, then why not during a prorogation of parliament? Such is the course and the use of precedent in the case of a great popular right. Let the House look well to that. Neither my hon. friend opposite, nor either of my hon. friends on this side of the House, with all their talents and all their knowledge of history have been able to establish any one point of analogy between the present and any former occasion. Let it be remembered, then, that we are called upon not to follow a precedent, but to create one.

Blackstone says, "This experiment ought only to be tried in cases of extreme emergency." I have not the honour of being a member of the learned profession, but I should be glad that any lawyer would be pleased to interpret what this constitutional writer intended by an extreme emergency? Did he contemplate the case of some bands of labouring artizans, discontented because they had not work, dissatisfied only because their families had not food, or did he advert to a case of a very different description, the only sort of case in which this measure of dernier resort had ever been called in aid, the case of a disputed dynasty, a divided people, a kingdom beset by foreign and betrayed by domestic enemies? No such circumstances exist now, and will any man stand up in his place here and say, that the state is in that jeopardy which can alone be called an extreme emergency? The famous London conspiracy, that impudent outrage of half a dozen ruffians, unconnected and unsupported, will that—not as set forth in all the extravagant colouring of the first report, but as it appeared in evidence,—will that lead us to any such conclusion? Or the projected expedition of the miserable men from Manchester, with their children in the blankets at their backs, and who were dispersed with a whisp of straw, will that justify such a conclusion? Or the last disorderly movement, commonly called Mr. Oliver's insurrection, when this handful of wretched dupes (the picture was a moving one) misled only to be betrayed, threw themselves, pale and emaciated into the hedgerows to perish. Where, in any or in all of these which form the sum total of the imputed overt acts of treason and rebellion, do we find a shadow of a pretext for inflicting upon the nation the last of penalties, a suspension of the Habeas Corpus act? My hon. friend who spoke last, has discovered it where nobody but himself would have thought of looking for it, in a Sunday newspaper. In God's name let the editor be made amenable to the law if he has transgressed, but let us not hear so ludicrous an argument for so serious a measure. He has discovered farther the justification of this odious bill in the petitions (presented long ago, by the way, and of which we now hear nothing) in favour of annual parliaments and universal suffrage, which my hon. friend says are revolution. I concur with him in his opinion of the extravagant absurdity and impracticability of such theories; on that very account, however, I am satisfied they are destined to but an ephemeral existence; and I think they ought to be borne with as the ebullition of a moment of suffering. But it is dangerous indeed to make the petitions of the people the ground for punishing them; and when my hon. friend talks of their asking for revolution, let him quiet his apprehensions by assuring himself, that when they intend revolution, they will not ask it of the legislature.

Now, Sir, it has been argued, with much apparent triumph, that this law has now been in force for four months; yet who, it has been asked, has ever yet heard of any of those grievances and oppressions which it was anticipated might result from it? In the first place I answer, that such a law is in itself an oppression. That to withhold from the people of England their birthright because some part of the population of a few stated manufacturing districts, have shown symptoms of insubordination, is an oppression. That so to degrade and disgrace the nation in the eyes of foreign powers is an injustice, and an oppression. But if it be true that in the infancy of this power, while exercised under the immediate check and control of parliament, no flagrant instance of abuse can be stated (which, after what has passed in the earlier part of this evening, we have no very solid grounds to suppose), I say we are not on that account to abate one jot of our just constitutional jealousy; for that check and control removed, what security have we that its future administration will be equally temperate? The personal character of the minister—state it as high as you please, and I am sure it cannot be stated too highly—gives us none; for he is removable at the pleasure of the Crown, when this power would devolve on his perhaps less scrupulous successor.

But whence, I should be glad to know, have gentlemen derived this comfortable assurance (into which I was surprised that the hon. member for Bramber should have given with so much facility), that in point of fact there has been, up to this time neither individual hardship nor injustice,—at least they do not derive it from the personal knowledge of the under secretary of state, who has been content to disclaim all knowledge of such concerns. Some 30 or 40 persons are actually suffering under the operation of this law. Let us look at their condition. Upon what information have they been suspected? Upon such as satisfied the secretary of state. Sir, the best men may err, and informers are not always honest, though they are always jealous. Olivers and Castles will find their way to the ear of a secretary of state, and they will multiply in proportion to his credulity. Then for the condition of these men, what is it? Torn from their families, they are not told why,—they ask for trial, but it is denied them. Secluded by the arbitrary will of the minister even from the superintending eye of the visiting magistrate, whom the express law of the land had sent there to be their protector; immured, for aught they see or we know interminably, these forlorn creatures, unknown and unheard of, are stretched in their dungeons of despair; and it is because they are unheard of that we are invited to presume that they are not wronged. The humane, the constitutional presumption! The authority to whom I have already referred (no remarkable enthusiast or visionary on the side of the people) was not so easily satisfied—he has this passage: "Attacks upon life and property at the arbitrary will of the magistrate are less dangerous to the commonwealth than such as are made on the personal liberty of the subject. To bereave a man of life, or by violence confiscate his estate without accusation or trial would be so gross and notorious an act of despotism as must at once convey an alarm of tyranny throughout the kingdom; but confinement of the person by secretly hurrying him to gaol, where his sufferings are either unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government."

What becomes, then, of this argument, or where is the triumph? but it was a dangerous one for the friends of this bill to have introduced; for if indeed this very measure has been tried for four months, and after so long an experience, we hear from ministers that matters are no better; have we not on our side a right to contend, that we have taken a wrong course, and ought to persevere in it no longer. Now as to its applicability what have we heard? There is not, I think, one gentleman who has yet advocated this bill, who has not set out with undertaking to establish this point, without which indeed no argument could avail them any thing. I have listened to each of them with the utmost attention, and I protest that I have heard nothing like an argument, to prove it except there be any involved in their favourite sweeping maxim, that whenever a partial and defined discontent exists any where, it must be most meet, right, and proper that an universal and unlimited power of solitary imprisonment should be vested in the minister of the day. Any man who will take the trouble to turn over a child's edition of the history of England, must know that in the few instances in which this extreme measure has been resorted to, it has been directly aimed at some secret cabal comprehending property, and rank, and station, with a view to defeat some growing conspiracy against the Crown by the seizure of some distinguished chiefs and leaders; in the single instance in which it has occurred in peace, we know that no less a personage than the premier duke of the realm, together with the bishop of Rochester and others, were the immediate objects of its operation; but arrest and carry off a score of journeymen stocking weavers, supposed to be implicated in this rebellion, not of the head but of the belly, and what have you gained? "a score as good as they" succeed them on the morrow, and so on till your already saturated gaols will no longer hold them. Indeed the under secretary of state has informed us, that some of these dangerous men have been turned loose as fast as others came in, and that the return he has presented to us only means that he keeps an average of from 30 to 40 *ad libitum* incarcerated. An hon. gentleman on the floor was extremely indignant at this argument, but he will allow me to say he did not refute it; had he been in a condition to do so, we should not have been discussing here to-day such a proposition as this. If our laws are to be voted insufficient to meet such an exigency as the present, and it is determined to resort to some measure of violence, I agree with those who think that far more applicable would be some of the provisions of the Irish Insurrection act, by which a power is given to proclaim certain disturbed districts as coming under its operation, though God forbid that I should be supposed to recommend it. The law we passed this session for putting down all secret political associations, and restricting public meetings (whether wise or justifiable or not in all its enactments, I discuss not now), was at least apposite and efficacious. But for the measure now under our consideration, we have the mortification of knowing beforehand, not merely that it is violent and odious, but farther, that it is inapplicable and absurd.

It has been asked, however, whether any man supposes a minister would encumber himself with so troublesome a thing as arbitrary power, if it were not strictly necessary. Sir, I would refer those who ask the question to the history and practice of human nature. Is it or is it not the character and habit of power to extend its own authority and encroach upon the limits that restrain it? But in the present case I have a more specific answer; and I say that a minister, weak in every thing, save in the enormous and overgrown patronage and influence of the Crown, which he wields at his command, never yet felt, nor ever will feel, that he has power enough. Heap up your statute book with restrictive laws upon restrictive laws till the ancient constitution of the country is borne down, defaced, destroyed!—Still will you not have succeeded in making such an administration strong, because it carries within itself the principle of its own weakness. But here I wish to speak out plainly and boldly, and I say that if a minister of England in the third year of peace, of profound peace, with no external apprehension of any kind, with 19-20ths of the population sound at the core, as the noble member for Yorkshire well termed it, and not only disposed to co-operate with, but deeply interested in co-operating with the constituted authorities—with a large, well organized, civil police, capable upon occasion of almost indefinite extension—with a force of not less than 20,000 yeomanry cavalry, capable also of improvement by proper encouragement (which by-the-by like every thing else, save this detestable measure, was somewhat tardily thought of), and in addition to all this, with that which no peace minister ever had, and I trust never will have again—with an immense standing army at his back; if, I say, with all these advantages, a minister so circumstanced has not nerve enough to guarantee with his head the preservative of the public tranquillity, without sweeping away the last prop and stay of public liberty, there is indeed reason enough why he should be removed, but none at all why he should be appointed dictator.

The president of the board of control concluded a speech not so remarkable for its point or force as his speeches usually are (which I mention only as evidence of the badness of his cause), with declaring in an animated strain, that the object of this bill was to protect, not to oppress. It may be so; I have no doubt it is so; but has not this been the uniform apology for every usurpation of power by all governments in all time? When was the stride from limited to unlimited power ever made but it was done professedly for the good of the governed? and plausibly too; for the larger the power of the Crown, the greater undoubtedly are its means of protection to the subject. Of all governments, despotism would be the strongest and the best, if we could secure a succession of something more than men to administer it; but as that cannot be, and princes and ministers are but men, subjects must have their securities; ours we obtained with difficulty, and we must cling to them with a desperate tenacity. Sir, I should be disposed, for one, to consider this bill as going in effect to repeal rather than to suspend that without which the constitution of England is an empty sound, the act of Habeas Corpus. For, in my conscience, I believe that there is no more chance of this power if given now, being surrendered in the next session, than that the income tax would have been surrendered the next session had it been obtained—a chimera which no reasonable man at this time of day entertains. But upon their own reasoning it cannot be expected; for unless we are sanguine enough to imagine that we are destined soon again to hail the revival of all that factitious, and, in some respects I fear, pernicious prosperity which the war brought along with it, is there not too much ground to fear that the reasons of to-day will not be wanting to the gentlemen opposite in the next session? Our utmost hope then must be limited to an occasional taste, some slight reminiscence of our former liberties when trade happens to be brisk, and wages to run high—by the standard must in future be struck a sort of assize of the constitution; the returns from Nottingham and Manchester must henceforth be taken as the gauge and the criterion of British freedom.

Sir, I should be sorry to touch upon matter that might be offensive in any quarter, but I feel that I should not do my duty if I sat down without expressing an earnest and anxious hope that in this project we do not see the offspring of too long and intimate a connexion with the despotic powers of Europe.—The recent circumstances of the world have unfortunately familiarised us too much with power in all its shapes. For a variety of reasons, I do not desire to press this subject farther, but I must say; that of all moments, the very last in which I should be disposed to entertain this question, would be that in which a league of military monarchs governs the universe—a league in which England has the honour, if such it be, of being numbered third or fourth—a league, some of the members of which, have not yet bethought them of redeeming their promises to the subjects of free constitutions and Habeas Corpus acts—a league the very best object of which appears to be to disarm!

Much stress has been laid by more than one hon. member, and more especially I think by the hon. member for Corfe Castle (who appears to have long since abandoned all his old pretensions to any thing like neutrality, unless they are inherent in the seat which he appropriates to himself), upon the hands into which this terrible authority is to be committed. I cannot consent to single out one departmentally where all are equally responsible to parliament, and I must say, that if I have found myself unable to concede what is asked to the case produced, and the reasoning upon it, least of all shall I be disposed to concede it on the score of confidence. For I cannot forget, I ought not to forget, that they who now raise the cry of "Property in danger," are the same who heretofore, for their own purposes, were not ashamed to raise the cry of "Church in danger."—Still less can I forget that they into whose hands the confiding member for Corfe Castle is so ready to pour forth either this or any other power, are themselves deeply, criminally responsible for no small share of the imitation that has grown out of the public distress. Are they not the same ministers who, at the opening of the last session, sent down the Prince Regent to his parliament with an ironical congratulation on our internal prosperity,—thereby proving to the whole world that they knew nothing of the real state of the country, whose affairs they presumed to administer? The same who when on the return of peace, they should have applied themselves promptly and unremittingly to the wants and wishes of the people, were occupied only in interesting themselves in power by perpetuating a peace income tax with a war army? The same, in short, who were found jobbing when they should have been retrenching—who, goaded and beat and driven into every measure of economy, which real or fictitious they have since adopted, refused to the prayers and solicitations of the entire nation in the last session a parliamentary inquiry into the public expenditure?—and what followed? Have we not seen at the commencement of the present session in a fatal precedence, a committee of disaffection sit first, and a committee of retrenchment follow after?—is this fair play to the people? Is this justice to the prince whom they serve? Why then, I say, if things are indeed come to that pass that they call for the bill in my hand—be it so,—but let us hear no more of confidence.

But I am sensible that I must be fatiguing the patience and attention of the House,—I will conclude by exhorting the House to pause before they resolve to aid and abet this system of error and of mischief.—If the instructions of a secretary of state to magistrates are to be held to have the force and effect of declaratory laws—if again, and always as against the people, the arbitrary dicta of a minister are to be paramount to a positive, express written statute, and prerogative is again to be conjured up to bear down law—if such are the means by which it is determined to meet the transient excesses of these unhappy men, who have heretofore by their industry contributed their share to the national prosperity, you will raise a flame in England, that who shall undertake to extinguish!

Sir, these local disorders must call principally for local and particular remedies,—they may further demand some additions to the general municipal law, and they have already received very large additions,—they must most especially require the well-directed vigilance and energy of a wise and prudent government—but never, let legislative violence be confounded with executive vigour!—For our more general domestic policy I should say,—let us, before it is too late, retract our errors, and retrace our steps—let us substitute a great and generous system of conciliation, of confidence, and of concession—of all errors it will be the noblest, of all dangers it will be the least. Instead of making experiments upon the public liberties, and playing tricks with the constitution; instead of reducing it by our vote of to-night to the level of that of the less favoured governments of the world, let us rather hold it up to the people in all its purity and integrity. Do not, after the example of the president of the board of control, talk to them only in admiration of what he terms its pliability, which means that you may twist and turn it to whatever you please, but tell them rather of its solidity, its stubbornness, or its immutability. Above all things teach them that the aristocracy, that men of property are not to be lightly induced to abandon in a panic the palladium of the people's rights. Teach them that, happen what will, that at least shall be held sacred and inviolate; for annihilate it, and you may build your Waterloo bridges and Waterloo monuments in record, and it will be a mournful omen of what a free people could achieve, but the spirit that conquered there will be no more! [Hear, hear!].

Colonel *Stanhope* believed that this measure was calculated to secure the peace and happiness of the country. For his part, he placed the utmost reliance on the committee of secrecy, and on the report which they had made. The main cause of the disaffection which had appeared, arose from the distresses of the country: but though he admitted that the people had borne their sufferings with great fortitude, it was necessary to save them from the effects of their own phrenzy. He should, therefore, vote for the bill.

Sir *F. Burdett* observed, that much had been said of the danger which threatened the constitution, but it was difficult for him to learn from the different speakers what the precise nature of that danger was. Some spoke of one danger and some of another, each raising a phantom of his own from which they professed to have the most dreadful apprehensions: nothing had, however, been said, to enable any man of common understanding to know what they meant, except indeed what had been said by the hon. member near him (Mr. Lamb), who had manfully and plainly told his opinion of it, that it was solely directed against the petitions which had been sent up by the people for reform and economy. The hon. gentleman had indulged himself pretty much in assertions respecting the wild and visionary schemes, as he called them, which had lately been proposed by some individuals. He did not find fault with the hon. member for making such assertions, but he must say it was just as easy for him to say that the hon. member and his friends endeavoured to impose upon the people by delusive statements, and by measures tending to deprive them of their best and most sacred rights, which he (sir Francis) would defend to his latest breath. He was not in the least astonished to hear the hon. gentleman defend the borough system; on the contrary, it was natural that he should do so, as he was himself a borough nominee. The hon. gentleman could not blame him, if he attacked the system and its adherents, for to them he owed no allegiance, but on the contrary eternal hostility, believing them, as he did, to be the cause of all those evils with which, unfortunately, this once happy country had been cursed. He knew the motive on which ministers acted in the present occasion, and he would frankly tell them, that it would be much better for them at once to make a law, declaring it to be high treason for the people to demand that they should be fairly represented in that House, and their complaints attended to. Much had been said about insurrections and plots, but he asked, where did they exist, and even if they did exist, how was the present measure likely to remove or prevent them? The preamble to the original act spoke of a treasonable insurrection in the country, but he challenged any man to produce a single proof of this being a fact. The truth was, that the people saw what the state of the House was; they saw a total want of economy in every department of the state;—they saw burthens unnecessarily imposed on them; and they therefore complained. To get rid of these complaints was the sole object of this extraordinary measure, and to give it some appearance of being called for, plots were said to be formed to subvert the constitution. To accomplish this object spies were employed to disseminate disaffection and excite public irritation. That spies had been employed, was not denied by ministers, but defended on the ground of such employment being necessary in every free government. There could not exist a better criterion than this to judge of a government, for it certainly was degrading in the extreme to any government to think that it had not the affections of its subjects, and could not be carried on except by the employing of such infamous and detestable persons. What, then, must be the opinion formed of the British government, when its ministers could unblushingly admit that they had employed and rewarded such miscreants? He at that moment held in his hand a vast number of letters, many of them from persons of high respectability, and well known to him, in which it was decidedly stated, that Oliver, one of this odious gang, had actually entrapped some individuals into the commission of those deeds, to prevent which was the professed object of the present bill. He had always considered these spies to be the instruments of tyranny, and when he contemplated what ministers now did, he could not help being forcibly struck with the line of policy pursued in America (the only free country he believed on earth), at the time our army had possession of its capital. Then indeed one would have thought was the time when a suspension should have taken place, if ever it was to take place, but the executive government there felt too much respect for the people, and had too strong an attachment to the rights of man, to adopt such a measure. The learned civilian (Dr. Phillimore) had talked of the bill as a measure of intimidation, but if such a system as that of intimidation was once introduced, God only knew where it would end, or what it would lead to! Severity must lead to discontent, and this would afford a plea for additional severity. It was well known that this had been always the case, and indeed, what else had produced all the discontent in Ireland, and what had led to all the miseries in which she had been involved? It was just the same policy we in this country were called to adopt, and all, too, under the auspices and government of the noble lord on the other side. He held now in his hand several affidavits respecting the system then followed by that noble lord, to which he should for a moment or two call the attention of the House. One of them was by a John Hevey, tobacco and snuff-manufacturer in Dublin, who stated,

"That on the 4th of June, 1798, (when lord Castlereagh was first secretary of state to the lord lieutenant) deponent was arrested by a military party and taken to the Royal Exchange, which was then converted into a prison and place for the infliction of torture upon persons suspected, or said to be suspected, of treasonable practices. Saith, that at said period deponent was of the age of 24 years or thereabouts, and the partner of his father in the brewing business, which deponent superintended, and the nett profits of which amounted to about 3,000*l.* per annum. That whilst deponent was at the said Royal Exchange he was required by dean Beresford to give information to government as to treasonable persons and practices, who thereupon told deponent he would serve himself by complying, or words to that effect; and at the same time Henry Charles Sirr, esq. then town major of Dublin and a resident in the Castle (and having daily communications as deponent understood and believes with said lord Castlereagh, and the other efficient members of the Irish government), threatened to hang deponent. Saith, that after deponent had been confined at the said Royal Exchange for about two days, he was removed to the prevot, where he remained about seven weeks, and was from thence transmitted to Kilkenny gaol. Saith, that the night before deponent's departure from the Prevot for Kilkenny, William Sandys (then brigade-major and prevot-martial) sent his servant in deponent's name, to deponent's house, for his (deponent's) horse, which was of the value of fifty guineas, or thereabouts, and which he accordingly got; and said Sandys, about the moment of deponent's departure, told deponent that he would never return from Kilkenny, as he would most certainly be hanged, or words to that import and effect. Saith, that deponent was, soon after his arrival at Kilkenny, tried by a court martial, and sentenced to transportation to Botany Bay, as it was notified to him, and was convicted by said court martial of being an united Irishman, upon the evidence of two witnesses, one of whom was under sentence of death, but promised pardon, as deponent understood and believes, for so swearing against deponent, although deponent positively saith, he never had in his life any communication or conversation about politics with the said witness; and the said other witness was confessedly perjured. Saith, that upon deponent's having heard of said extraordinary sentence, he immediately communicated it to his friends and relatives in Dublin, by whom, as deponent understood and believes, every effort was made to obtain an explanation of the grounds upon which it was passed without effect; and at length deponent's sister having presented a memorial to lord Cornwallis (then at the head of the Irish government), that nobleman was pleased to issue an order for deponent's liberation, grounded upon a revision by his lordship of the minutes of the said court-martial and a certificate to deponent's loyalty and general good conduct and character from the officers of the Roebuck corps of yeoman cavalry, which was, as deponent verily believes, one of the most respectable corps in the county of Dublin, and of which deponent was at the time a member. Saith, that sometime after deponent's said sentence, he was waited upon by general sir Charles Asgill, who then commanded the Kilkenny district, who stated his supposition that deponent was perfectly satisfied with the justice of his sentence, at which deponent having expressed surprise, the general then observed, 'We are told, Mr. Hevey, 'that you are about to memorial lord 'Cornwallis for your liberation, but you 'are not likely to succeed; you are that 'sort of a man whom government would 'wish to send out of the country, and, to 'prevent any farther trouble, we will rescind that part of the sentence which 'relates to your transportation to Botany 'Bay, provided you will quit Ireland for 'seven years,' or words to that effect; to which proposition deponent declined to accede; and upon the following day, the said order of lord Cornwallis for deponent's release was communicated to him. Saith, that upon deponent's return from Kilkenny, having met said major Sandys, on Arran Quay, Dublin, in company with lord Enniskillen, deponent demanded from him his said horse, which however said Sandys, in an indignant tone of voice, refused to return, alleging that neither he (deponent) nor any other traitor should ever ride said horse, or words to that effect. Saith, that deponent thereupon commenced an action at law against said Sandys, for recovery of said horse, or the value thereof, upon which deponent received a note from Mr. Edward Cooke, the then under secretary, and confidential friend of lord Castlereagh, and the brother in law of said Sandys, desiring to see deponent, and deponent having accordingly waited upon said Cooke was by him indignantly asked, whether deponent was not going to law with an officer of the government, and upon deponent's observing in answer, that he was only endeavouring by legal means to recover his property, said Cooke then exclaimed 'By God, Mr. Hevey, we will 'hang you yet—I can lay my finger, Sir, 'upon a certain paper, to show you that 'you are still in our power,' or words to that import. But upon deponent's saying he defied him to do so, he and his agents having already done all in their power to hang him, said Cooke, then said he would send for major Sandys, and inquire into the transaction. Deponent saith, he heard nothing further from either said Cooke or said Sandys until the trial of the action so commenced by deponent against the latter was about to take place, when deponent's law agent, received a notification from Mr. Kemmis, the Crown solicitor, and agent for said Sandys in the transaction; that deponent's said horse should be restored, and all the law expenses paid: which restoration and repayment took place accordingly. Deponent saith, that whilst he was in confinement, both at the Prevot and in Kilkenny, he experienced much rigour; and during his captivity in the former place, he saw several persons tied up and whipped, without any trial, as deponent believes, in order (as was avowed) to extort confession of guilt in themselves, or others from them and amongst the persons so treated, deponent recollects a Mr. Leach. Deponent saith, that from the frequent occurrence of said usuage of whipping and torture at the baracks, and various parts of Dublin, he is convinced in his conscience, and verily believes, that such practice was resorted to under the sanction of lord Castlereagh, Mr. Cooke, and other efficient members of the Irish government; and further saith, that whilst in confinement at Kilkenny as aforesaid, said sir Charles Asgill refused deponent the allowance usually granted to persons in his situation, although deponent applied for same, conceiving himself to be entitled thereto, same having heretofore been usually granted to various persons similarly circumstanced as deponent. John Hevey."

He had another affidavit to the fact of torture having been inflicted, but as the House appeared not disposed to listen to these documents, he would not trouble them with it. He thought, however, that they ought to know what had been done in another country, under the same authority to which was to be entrusted the execution of the present measure, that at least they might do what they determined to do with their eyes open. The affidavit which he held in his hand, but which the House had not patience to hear, was that of a person who had undergone the most cruel, wicked, and atrocious torture that could be imagined. He wished the House to be fully aware of these facts. He wished them to trace the bloody steps of the ministry of Ireland, and to recollect that they were going to put this country in the power of a noble lord, whose hands were as deep in the transactions of the days to which those affidavits alluded as those of any minister of that period.—At the head of the spies which the present administration called in to their aid was Mr. Reynolds, whose name he had never heard any one from Ireland pronounce without shuddering. That person had found his way into a grand jury in this country, that found an indictment which was proceeded on with the assistance of other spies. Now, he believed that the presence of such a person in a grand jury vitiated all its proceedings. An act of Henry 4th excluded from grand juries persons who had been pardoned for offences, and persons who had taken sanctuary for treason. He knew not if Mr.

Reynolds was a pardoned person. If so, undoubtedly he was not fit to sit on a grand jury. Certainly he might be considered, in the eye of reason, to have taken sanctuary for treason; for he had confessed his crimes and thrown himself on the mercy of government. Lord Coke stated, that an improper person of the name of Scarlet having got into a grand jury, and that fact having been discovered, it was determined by all the judges that the proceedings of that jury were vitiated and rendered void. Looking at the whole of the recent law proceedings, the House would see nothing but spies. There was one notorious spy on the grand jury by which the indictment was found. Then there were other spies brought forward on the trial. He had heard of voters being dressed up at an election to support a particular candidate; but he had never before heard of a witness being dressed up by government to give his evidence in a state trial, in order by imparting to him a respectable appearance to impose on the court. Spies were traversing the country in all directions. Such men as Castles (who, it was proved, had himself placed in the waggon the ammunition which had created so much alarm in the right hon. gentlemen opposite) were every where employed by government. Could any thing be more odious and detestable than such a system? An informer, who, guilty-struck, confessed his crime, might with propriety give such evidence as should prevent the mischief which he had engaged to assist in perpetrating; but what could equal the infamy of a hired spy, who, if he could not find offence, would make it—who, if he knew of a green bag, would take care to discover enough to fill it? It was impossible that the mind of man could contemplate any thing more atrocious. The noble lord, however, had said, the other evening, that he would employ them, or take any other steps that he chose, although he might thereby disturb the social comfort of traitors. What the noble lord meant by that expression, he did not know, except he alluded to the social comfort of cabinet dinners. Such was not the mode of carrying on the government of England. It was not what the people or even the gentlemen of England would long bear. If the noble lord did not know how to govern by law, he had better make room for those who did. The bill before the House was not properly designated as a bill for the suspension of the Habeas Corpus. It was a great deal more. It gave powers which government would not possess, had no Habeas Corpus act existed. Were there no Habeas Corpus, persons apprehended would be left to their remedy by the old law; and, although, perhaps, slowly, would certainly some time or other, be brought before a jury. But the present measure would enable ministers to imprison men as long as they pleased, and not bring them to trial at all. To imprison them, too, in solitary confinement! Although he would certainly not be disposed to give it, yet the power of hanging without trial would be a better power to confer than the power given by this bill; because the one, being done in the open day, would not be so likely to be abused as the other. Ministers did not seem even to know whom they had already imprisoned under the act. Persons of former times had been left in the dungeons of the Bastile until they were forgotten, and the secretary of state now thought it hard to be called on suddenly to know what he had done with the Englishmen taken into custody under his warrant. He confessed he was astonished at the concurrence in this measure of an hon. and religious gentleman who laid claim to superior piety, as it unquestionably was of all others, the most hostile to vital christianity. Nothing could be more opposite to all the laws of christianity, as well as morality—nothing could be more antichristian than to shut up persons in solitary confinement, and cut them off from all communication with their nearest and dearest friends. The hon. and religious gentleman no doubt recollected the denunciation of Jesus against the wicked: "I was hungry, and ye gave me no meat; I was thirsty, and ye gave me no drink; I was naked, and ye clothed me not; I was sick and in prison, and ye visited me not." How affecting was the last clause of this passage! "I was sick and in prison;" two of the greatest calamities that could befal human nature. But when to that was added, that the sick prisoner was deprived of every other consolation, what could be said of those men who not only did not visit him themselves, but would not allow others to do so? Could any thing be more atrocious? Could any thing be more contrary to the spirit of humanity which pervaded the law of England?—Another material part of the bill was, that it allowed government to send the persons whom they apprehended to distant gaols; thus augmenting their hardships and their danger. The hon. and religious member was shocked the other day at the description of the Africans chained and carried into slavery. How happened it that the hon. and religious member [Order, order!] was not shocked at Englishmen being taken up under this act (not having committed any crime) and treated like the African slaves —chained, and sent to a distance? Some were so sent hundreds of miles. Several had been brought from Manchester to the secretary of state's office, under this torture and ignominy; and the only satisfaction they had was, to be introduced to a complaisant and well-behaved gentleman by whom, however, they were not informed of the cause of their apprehension. One of these unfortunate individuals had been sent to Reading, where he was cut off from all intercourse with society; and, according to the statement of his noble friend near him, driven almost, if not quite, into a state of madness. The constitution of England was so careful to protect every man before he was proved guilty, that it placed those who were accused in the custody of the sheriff, who was answerable for their safety. Modern acts of parliament had introduced a new jurisdiction on this subject—that of the magistrates. But now not even the magistrates were allowed any authority. They were not permitted to see the prisoners. What sort of government must that be which could entertain such a jealousy of the magistrates as not to permit them to see the prisoners but to shut up those prisoners in close confinement, *au secret*, as the French call it? Some hon. gentleman had said, that the people must be better educated before they could be trusted. Was that the mode of educating them—to shut them up without books, without papers? What could be the object of such prohibitions? The whole system was one of as detestable and wicked torture as the mind of man could conceive. And yet the House were told that no complaint was made of any abuse of the powers entrusted to government. The hon. member for Hertfordshire had presented a petition from a person imprisoned a good many years ago, under a similar suspension, which afforded a tolerable instance of abuse. Still, however, the House were told that there never had been any abuse. He conceived it to be impossible that the House could consent to give up the personal security of every man in England on the flimsy grounds contained in the reports on the subject: more especially when some of the members of the committee who were of the greatest weight, had declared that although the facts stated were true, the deduction was not so; and that every circumstance had been carefully omitted which was calculated (in the expressive language of a noble lord) to "disalarm" the public. Nor was it surprising that such should be the opinion of the most important members of the committee, when the foul source of the information laid before them was considered—those spies who lived on blood-money, and who, as the disturbers in the manufacturing districts were called Luddites, might with great propriety receive the appellation of Bloodites.

Mr. *Wilberforce* would not have troubled the House, but for a sort of call made upon him by the hon. baronet, who was greatly mistaken if he thought that the sarcasms he had used did not rather injure himself than others. It was not always those who talked the loudest and the longest about their love and admiration of the constitution that were the most sincere in their professions, and he could assure the hon. baronet and those for whose good opinion he was more solicitous, that he had painfully and reluctantly brought his mind to consent to the measure before the House. In the present circumstances of the country, it appeared to him, that it would be most dangerous when parliament was dismissed, to set at large those who had long been employed in spreading poison that had already attacked the vitals of the constitution. He could scarcely believe it possible, that even the hon. baronet should speak with levity of the first report, which showed undeniably that the feelings of Englishmen had been so perverted, that they could now look without blenching at the most horrid crimes; that private assassination was become familiar to them; and that they did not even shrink from assassination for hire. Were these principles which could be circulated without danger? If any fear could be entertained of the establishment of absolute power in this country, it would arise from that very source; other times and other countries proved it; and if any man, or any body of men, wished to make a tyrant firm upon his throne, no better mode could be adopted than to employ a man of popular talents, and possessing public confidence, who would go all lengths, and who, when the flame of discord was beginning its ravages, would choose that opportunity of scattering his firebrands. It was because he was sensible of the name of constitutional privileges, that he, for one saw the necessity of consenting to the proposed measure, which he solemnly thought indispensable to prevent, when parliament should be separated, proceedings tending so materially to corrupt the moral and political feelings of the people. It was true, that there was no regular party in the country with great leaders, as in 1715 and 1745; and in one view he allowed that the present case was therefore less dangerous. But still in the former case the extent of the danger could be estimated. In the latter, it went to the destruction of the political and moral mind of the people of England, and threatened the extremity of mischief, and misery. He voted most unwillingly for the measure, from a strict sense of duty. He could assure the hon. baronet that religion had taught him a lesson on the subject—it had taught him to value the blessings which the country enjoyed, and to hand them down unimpaired to posterity.

Sir *Godfrey Webster* rose for the purpose of entering his solemn protest against the passing of this bill. A noble lord (Nugent) had asserted that he would rather witness popular commotion than the enslavement of his country, and the observation had been cheered as inconsistent with a due regard for the constitution; but in confirmation of the sentiment he begged to refer to a speech of a man whose name was coupled not only with the liberty but the glory of his country—the great lord Chatham, who, in a speech delivered in 1770, had used these remarkable words: "It was the duty of that House to inquire into the causes of the notorious dissatisfaction expressed by the whole English nation, to state those causes to their sovereign, and then to give him their best advice in what manner he ought to act. The privileges of the greatest and the meanest subjects stood upon the same foundation: it was therefore their highest interest as well as their bounden duty, to watch over and protect the rights of the people. The liberty of the subject," said he, "is invaded, not only in our distant provinces, but at home. The people are loud in their complaints—they demand redress, and until the injuries they have received are redressed, they will never return to a state of tranquillity, nor ought they; for, in my judgment, my lords, and I speak it boldly, better were it for them to perish in a glorious contention for their rights, than to purchase a slavish tranquillity at the expense of a single iota of the constitution." He believed in his conscience and soul that the bill was unnecessary; that ministers were committing the treason of which they accused others; and that they were feeling, step by step, how far they could establish arbitrary power in the country.

The *Lord Mayor* said, he had seen in a paper that day what was called a corrected report of the speech of a right hon. gentleman opposite (Mr. Addington), in which it was said, that every fact contained in his (the lord Mayor's) speech of a former evening, was refuted. His lordship proceeded to controvert some of the assertions then made, particularly with regard to the time and manner the rioters were defeated at the Royal Exchange, and to the employment of the military in the city. The right hon. gentleman had said, that his noble relative, the secretary of state, had at one o'clock heard of the rioters being in Skinner's-street, which was soon after he went to the Horse-guards, and sent off a troop of life-guards. The mob had left Skinner's-street, and was dispersed at the Exchange, at half past twelve o'clock, and the few persons that attacked the gun-smiths in the Minories had left and were scattered and throwing the arms in the street when the life-guards arrived at Aldgate. His lordship observed, that his statement of facts might be unpleasant to the gentlemen opposite, but though a new member, he was determined he would not be put down by any interruptions or clamour. What might have been the motives for republishing the right hon. gentleman's speech three days after it was delivered, he could not imagine, unless it was to mislead the people, and to impress the House with the necessity of this measure, and then to get an additional vote or two in support of it.

The *Lord Advocate* said, that he had come all the way from Edinburgh on purpose to meet those who had arraigned his conduct in his absence, and had through him attacked the administration of the law of Scotland. He deemed it encumbent on him to explain to the House the proceedings to which he alluded, in order to show that there was no ground for withholding from government the powers now asked, from any abuse that had taken place in Scotland. The learned lord then went into a number of details with respect to the proceedings which had taken place in Scotland, and in which he was concerned. By the act for wrongous imprisonment, on a prisoners giving sixty days notice, if after the expiration of forty days an indictment was not preferred against him, he was entitled to his discharge. But what if another capital offence had been committed? The same sixty days notice would be required, and then forty days for preferring the indictment. But if both offences were put into one charge, he tied up his own hands and those of his successors, and prevented any more than one delay from taking place. By including, therefore, a charge of treason and capital felony in one indictment, he did that which was favourable to the subject, instead of being an act of oppression. Was it fair, therefore, to insinuate that he had been guilty of oppression in this case? It had been stated by a learned gentleman, that prisoners had been removed from one gaol to another for the purpose of secluding them from their friends and acquaintance. But seclusion could not take place by the law of Scotland. So far from refusing admission to the friends of the prisoners, not only all those whom the prisoners asked to see were admitted to them, but many whom they did not ask to see. To gain admission to prisoners an application to the court of justiciary is necessary if the consent of the lord advocate is not obtained, but he undertook to look into every application himself, and always signed his consent on the spot. He could state on the authority of one of the counsel for the prisoners, and one of the most bustling and active of the counsel, who was not now in his place (Mr. J. P. Grant), that the prisoners were never better treated in their lives than they were when under confinement. With respect to another statement, that an individual had been twice on his trial for the same offence, and was about to be tried a third time; that the indictment had been twice quashed for informality; and that by the law of Scotland a man might be a thousand times brought to trial for the same offence without control; he rather thought the learned gentleman's (Mr. Brougham) memory must have failed him since he studied the law of Scotland, or he never could have stated that a prosecutor could abandon an indictment without the consent of the court. On his stating to the court at the same time, that he intended to proceed to a new trial, it was in the breast of the court to say whether or not the motion of the prosecutor should be agreed to. So far, therefore, from bringing a man up a thousand times, he could not bring him up a second time, unless the court themselves were party to the measure. It had been said, that two indictments were quashed on account of informality. Now he had to state that not one was quashed on account of informality, and there was not a vestige of authority for saying so. He then went into a particular statement respecting the indictments, to show that they had not been quashed. He had been unfairly attacked when he had no power to answer. He was rather surprised, therefore, that those who made the attack did not think, proper to follow it up. He had sat there during the whole of the night in expectation that they would come forward; and if they waited till he had made his statement, and then came forward to attack him—if he was unfairly dealt with before, this would be still more unfair. [Loud cheers.]

Sir *S. Romilly* said he was not much acquainted with Scotch law, and he was not extremely desirous, from what he had heard of it, of being better acquainted with it. He was sorry to say, however, that the statement of the learned lord had not given that satisfaction to him which it seemed to have done to those around him. The learned lord thought he had been unfairly dealt with in being allowed to wait so long without following up the charge against him. Really he did not know the learned lord was so soon to return to Scotland; and when the House were discussing the important question, whether the people of England were to be deprived of their liberties, he did not think that that important business ought to stand still, for the sake of bringing forward a charge against the learned lord.

Mr. *Brougham* believed the speeches which had given the greatest offence to the learned lord, were not those of himself or his learned friend, but the speeches of the members for Lanarkshire and for Glasgow. The learned lord complained of the hardship of not having the charge followed up against him that night. But he (Mr. Brougham) was quite sure, if he had done so, while such a question was before the House, the House would not have allowed him to go on five minutes. The learned lord accused him of ignorance of the Scotch law, in stating that a man might be brought to trial a thousand times for the same offence. Now, he held in his hands a printed report of the trial in Scotland. By that report, it appeared, that the lord advocate himself was during this trial acting upon what he (Mr. B.) had supposed to be the Scotch law; but the prisoner's counsel got a light which the learned lord had also now got, and objected, that the lord advocate had no power to desert an indictment without an interlocutor of the court. When this objection was stated, one learned judge was inclined to be of the same opinion, but the majority of the lords of justiciary were inclined to think that the objection was not well founded; that was, that a man might be brought to trial a thousand times over if the lord advocate thought fit. The records, however, were ordered to be searched, and the result was, that all the judges came over to the opinion of the small minority.

Lord *Folkestone* wished to know whether the bill in its present state should extend to Scotland. It was said, that according to the laws of Scotland no warrant would run there which was not signed by a person resident in Scotland.

The *Lord Advocate* said, he had no doubt that the bill in its present state would extend to Scotland. For a century and a half the warrants of a Scottish secretary resident in London had operated in Scotland.

The House divided:—For the third reading, 195; against it, 65.

List of the Minority.

Abercrombie, hon. J.
Atherley, A.
Aubrey, sir John
Baillie, J. E.
Barham, J. F.
Barnett, J.
Birch, J.
Brougham, Henry
Burdett, sir F.
Byng, Geo.
Burroughs, sir W.
Barclay, C.
Browne, D.
Calcraft, John
Calvert, C.
Campbell, hon. J.
Carter, J.
Cochrane, lord
Duncannon, visc.
Douglas, hon. F. S.
Deerhurst, visc.
Fazakerley, N.
Fergusson, sir R. C.
Folkestone, visc.
Gordon, R.
Gurney, Hudson
Gaskell, Benj.
Heron, sir R.
Howorth, H.
Hughes, W. L.
Hurst, Robt.
Hill, lord A.
Lefevre, C. S.
Leader, Wm.
Lloyd, J. M.
Methuen, Paul
Madocks, W. A.
Martin, H.
Monck, sir C.
Moore, Peter
North, D.
Nugent, lord
Orde, W.
Ossulston, lord
Parnell, sir H.
Peirse, Henry
Ponsonby, rt. hon. G.
Protheroe, Edw.
Powlett, hon. W.
Pym, Francis
Ramsbottom, J.
Rancliffe, lord
Romilly, sir S.
Spencer, lord R.
Scudamore, R. P.
Shaw, sir James
Sefton, earl of
Smith, J.
Smith, W.
Smyth, J. H.
Tavistock, marquis of
Wood, Matthew
Warre, J. A.
Wharton, John
Webster, sir G.

TELLERS.

Bennet, hon. H. G.
Macdonald, James

Mr. S. Wortley proposed an amendment, with the approbation of lord Castlereagh, to leave out the words "six weeks after the meeting of parliament," to insert as the term of the bill the 1st of March, 1818. On this a further amendment was proposed by Mr. Wynn, to substitute the 25th of December, 1817. The House divided on the question "that the 1st of March do stand part of the bill," Ayes, 152. Noes, 50. The Bill was then passed.

HOUSE OF LORDS.

Monday, June 30.

ABOLITION AND COMPENSATION OFFICES BILLS.] The order of the day being read,

The Earl of *Liverpool* proceeded to state the general ground upon which these bills rested. Their lordships would observe, that these bills, including the compensation bill, were to be considered as one measure. A bill of a nature somewhat similar, he was aware, had come to that House before; and if a bill were to come now in such a shape, he would undoubtedly oppose it. He did not mean to say that there were not in that bill some valuable regulations; but that bill consolidated all sinecures, judicial and political, and went to abolish some most efficient offices. It adopted one of the most extravagant principles of compensation that could be conceived. It classed the office of clerk of the pells with that of the lord privy seal, and was full of absurdities from beginning to end. The principle upon which he recommended these bills to their lordships attention was this—that whatever regulation of this kind might be adopted, there was a necessity for reserving to the Crown the means of rewarding public services; and he certainly would not have voted for these bills if that had not been attended to. His opinion was, that if the Crown were deprived of the means of rewarding public services, the democratic part of the constitution would be chiefly injured. The principal offices in the state would then be confined to a few persons; and men of talents and honourable ambition, without fortune, would be excluded. If they looked at those who had, for the most part, held the principal offices, and discharged the duties of those offices with the greatest advantage to the country, they would find that they were men of the latter description; he would say nothing as to the living; he would mention only the dead—Pelham, Grenville, the two Pitts, the ancestors of two noble barons not now in the House, and the late Mr. Perceval, whose memory he should ever honour and venerate both as a minister and a man. It would appear the more important that such means of rewarding political services should be reserved to the Crown, when they considered the inadequacy of the salaries of the highest offices in the state. He appealed to noble lords on both sides of the House for the correctness of the assertion, when he said that the salaries of the highest offices were not more than half sufficient to meet the expenses attending them, with whatever moderation a person holding such office chose to live. He did not, however, mean to say, that it was expedient to augment the salaries of these offices; for if they were to be augmented, they must be so for men of large fortune as well as for those without fortune; and the result was this—that the best arrangement, even with a view to economy, was to reserve to the Crown the means of rewarding political services.—Having thus explained the first principle upon which he supported this measure, he now proceeded to the second, which was, that the rewarding of public services ought generally to rest with the Crown, instead of being left to parliament. For a period of 50 years past it had not been the general practice of parliament to reward political services during the life of any individual who might be thought deserving of such a reward. In some cases parliament had granted money to pay the debts of meritorious persons of this description after their death; and, in the particular cases of lord Chatham and Mr. Burke, had departed from its general practice of not rewarding political services during the lives of the individuals. But if it were the general practice of parliament to reward political services by grants of money during the lives of the individuals, to what abuses would such a practice not be liable? If some partiality in these cases appeared on the part of the Crown, that objection would apply in a much greater degree to parliamentary grants. A certain number of offices had been before at the disposal of the Crown, and they knew the precise extent to which the Crown could go. Under these bills they would have the same advantage, as the amount of pensions was limited: but the public would have no such security if the matter were left to parliament. Suppose any abuse of the power to exist on the part of the Crown, the extent of the power and of the abuse was limited; but it was otherwise with parliament. From what he himself had seen, the last thing he would propose would be to intrust the consideration in this view of particular cases to large bodies. Any one who had been but half the time in parliament that he had sat there, could not but agree with him in this. The best arrangement, therefore, was, to give the Crown the power of rewarding political services, to be exercised on the responsibility of ministers; and then, supposing the power to be in some cases abused, they would know the full extent to which abuse could be carried. Upon these two principles, therefore, 1st, that the means of rewarding public services should still be reserved, and 2dly, that these means should be at the disposal of the Crown, he ventured to recommend these bills to the consideration of their lordships.—As to the offices of auditor and teller of the exchequer, they were not sinecures, but important parts of the administration of the court of exchequer. He did not know whether, in the original formation of this court, these offices could or could not have been with propriety omitted; but he knew that no one had ever ventured to bring forward a bill for their abolition, and that they had been acknowledged to be useful through a series of successive acts of parliament; but he would freely say, that the very circumstance of their not being sinecures afforded a reason for not considering them as political offices, and for placing them exactly on the footing of other offices of public account: he meant, that those who held them should be entirely disconnected with politics, and should be obliged to attend to their duties in person. Several instances, illustrating the propriety of such a change, must occur to their lordships, and one was too recent to have escaped the observation of any of them. He alluded to the case of a noble baron (Grenville) who, after having for several years formerly usefully served the Crown, was rewarded with the office of auditor of the exchequer. No man was ever more properly rewarded; and yet what an awkwardness resulted from this very reward, when the same noble baron was afterwards made first lord of the treasury, an awkwardness which would not have existed if his services had been rewarded by a pension. The offices of tellers of the exchequer had already been regulated by law, as far as their profits went; and one noble lord had acted most handsomely in coming forward, voluntarily, and anticipating the future effect of the law. The great, and, in some intances, immense profits accruing to the possessors of these offices, rendered them peculiarly unfit to be the rewards of political services; and that, because they had become, and were liable to be at all times, great sources of political discontent.—A kind of objection had been raised, that the holders of these offices would be less independent under the new act than under the former practice, because they would no longer hold under the Crown, but of the administration. The contrary was the fact; for these offices had never been given by the Crown, but were in the patronage of the chancellor of the exchequer. As to the sinecures-bill, it was fit that they should be given up; and on two grounds, first, that the Crown should have the power of rewarding services by direct, instead of indirect, compensation; secondly, because the abolition would do away a great deal of the unreasonable prejudice and discontent existing on this point. The compensation-bill stood on a better footing than a measure formerly brought forward with similar views; for that plan would have lodged in the Crown an unlimited power of granting pensions, whereas the present bill would confine that power within reasonable limits. There would always be considerable doubt as to the claims of public men, and therefore that would be the least objectionable scale of remuneration, which should require a certain definite period of service, in addition to the faithful discharge of that service; especially when this plan would be the least burthensome to the country. That this would be the case appeared from this—that the first class of the pensions would not consist of more than seven persons of 3,000*l.* per year each; and the second class, though comprehending more pensioners, would not at the utmost cost more than 43,000*l.* and on the average not more than 30,000*l.*, The saving to the country thus effected, would be about 100,000*l.* a year; but this was but an incidental advantage compared, to the principle of the thing, which was the more excellent, inasmuch as it left the prerogative untouched, while it would tend to exalt the character of public men. and would thus be a great benefit both to the Crown and people. In the course of his own possession of the office which he now held, he had given away but one of these large sinecures, and that was to the son of the late Mr. Perceval, a gift which, he trusted, must have afforded general satisfaction; but it was seldom that a case so generally approved of could arise. For his own part, he would be the last person to bring such a measure before the House, unless he felt convinced that it would leave unimpaired the dignity of the Crown, that it would elevate public men in public opinion, and that in fact, it was doing away with that which, however sanctioned by time and experience, ought to have been done away long ago.

The Earl of *Lauderdale* rose to oppose all the measures before the House. When he recollected the discussions and decisions that had taken place in 1812 and 1813 on the same subject as that now under consideration, he could not for a moment doubt what would now be the determination of their lordships on this question. The noble earl had laboured to show that the bills on the table were very different from the measure formerly proposed, but he saw no reason for so considering them. Indeed, the only ground on which their lordships were called to agree to these bills; the only information they had before them whereby to form an opinion—namely, the report of the other House of parliament—sat out with declaring, that the subject was by no means new; that the measures proposed were entirely the same as those of 1812 and 1813. The noble earl had stated, that these offices were such as ought not to be applied to the reward of political services; but this was not the noble earl's opinion on the former discussions, and he should be glad to know how these offices, which the noble earl held to be perfectly fit, as political recompenses in 1812, should have become unfit for that purpose now. The noble earl had alluded to what had occurred respecting the office of auditor of the exchequer; but that circumstance had taken place so far back as 1807; yet in 1813, when the abolition bill was discussed by their lordships, the noble earl never said a word on the subject of that office. How came he to overlook it then, and to consider it so very important a topic now? But the noble earl does not say that inconvenience had arisen from this office being held by a person who became first lord of the treasury; he only supposes that some may occur. The truth, however, was, that no inconvenience could arise. In 1807 an attempt was made by those who sought popularity, to make a run against the minister on this subject, but it completely failed.—Another reason the noble lord had assigned for supporting these bills was, that the emoluments of some of the offices had proved much greater than was originally intended. But this circumstance existed more strongly in 1812, and was equally well known to the noble earl then as now; but at that time he did not think it any reason for agreeing to the abolition bill. The noble earl had spoken of a noble marquis who had given up some of the emoluments of his office. He thought, however, that that noble marquis was by no means called upon so to act. The office was given as a reward for the meritorious services of the noble earl's father, and he was justly entitled to all it produced; but it was curious enough, that the noble secretary of state should be anxious for doing away such offices in proportion as their income was diminished. In 1812, when the emoluments were great, he was for preserving them. In 1817, when the emoluments are reduced, he thinks they ought to be abolished. He knew that, at the assemblies in Spa-fields, and other meetings which had greatly alarmed some of their lordships, the offices of lord Camden, and a noble lord on the cross bench (Arden), had been made important topics of declamation. Was it that sort of popular clamour which had induced the noble secretary of state to change his opinion? Reverting to the grounds on which this measure was proposed, he must insist that it was most frivolous and inconclusive. The committee, it appeared, was appointed to consider of the revenue and expenditure of the country; and, on reading the recommendation given to the committee, no person would suppose that the proposing a measure of this kind could have been the result of their labours. At a time when it was admitted that the annual deficiency in the revenue amounted to fifteen millions, it was perfectly ridiculous to talk of the paltry saving which would be produced by the abolition of the offices in question. Their lordships would recollect, that they had already refused to abolish the offices of chief justice in Eyre: these offices, however, the committee of the House of Commons had proposed to abolish, without assigning any new ground whatever. If the report had mentioned any abuse with respect to the appointment to these offices, something like a ground for a change of opinion would have been laid; but all that the committee of the other House says is, that "they have taken a view that these places ought to be abolished." To which their lordships might answer, that in 1812 they also took a view that the same places ought to be continued. But it was curious enough, that this view taken by the committee, was not only a reason for abolishing these two offices, but several others; for, because they have taken a view of the offices of chief justices in Eyre, north and south of Trent, they come to the conclusion, that the offices of clerk of the pells, the four tellers of the exchequer, the auditor of the exchequer, the warden of the cinque-ports, and the governor of the Isle of Wight should be abolished. Unless their lordships were supposed to be idiots, they could not be expected to be convinced by such reasoning as this. The noble earl had stated that such of these offices as required duties to be executed should be regarded as offices connected with the management of the public accounts and in no way political. In this opinion the noble earl concurs with the committee, but he seemed to have forgotten, that some of these offices were places of great trust and responsibility, and ought therefore to be held by persons of high station and rank. Those who supported the present question must do it either upon the supposition that these abolitions would diminish an improper influence of the Crown, or that they would be advantageous in the way of economy. Much had been done in the present reign, in the way of diminishing the influence of the Crown in parliament, without having produced any beneficial effect to the public. No less than 72 offices had been abolished and 39 regulated. In early life he had acted conscientiously with Mr. Burke, in the bills he brought in on this subject; but he had since had reason to think that he then acted on erroneous views. He had on a former occasion shown, that during the administration of sir Robert Walpole there were 118 more placemen in the House of Commons than at present, and yet public liberty was more secure at that time than it was now. The taking away these offices was with him a cause of alarm, when he considered the power of the Crown over the administration of an enormous revenue, in creating peers in that House, and in making peace and war. With all these powers undiminished, the influence of the Crown must necessarily be exercised in a manner much more disadvantageous to the public interest than it was during the existence of the numerous offices which had been abolished. These offices were the channels through which the influence of the Crown was formerly exercised. Since their abolition, ministers had sought for agents of another description, and to that was, in a great degree, to be attributed the enormous war expenditures which the country had sustained. Were the emoluments of these places to be in any degree compared with the debt contracted in one year of war? And was it prudent to place men in circumstances in which they must be exposed to such a temptation? In sir R. Walpole's time, the country had sustained no injury from the House of Commons being crowded with placemen; but let their lordships look at the present situation of this and the other House, and recollect the numerous expensive wars that have been undertaken, and then ask themselves what benefit was likely to arise from the abolition of places? He opposed the measure, because he was convinced its effect would be to increase the influence of the Crown in its most baneful direction. He was sensible that it was dangerous to increase the influence of the Crown, but there was a salutary influence of which it ought never to be deprived. Much had been said on the necessity of keeping the other House of parliament free of any influence, and their lordships House also free, and each House independent of the other. All this was very fine in theory; but if reduced to practice, it would make the British constitution the worst that ever existed. It was absolutely necessary that the three branches of our government should have an intimate connexion with, and dependence on, each other. In the best times of the constitution, the influence of the Crown had been greater than at present. It was remarkable, that the economical reformers, with whom measures of this sort originated, never seemed to think of the evil consequences of the influence possessed by the Crown in the management and collection of an immense revenue: they wished to abridge that influence which was exercised through the medium of rank and property, and increase it in the most pernicious way in which the influence of a government can exist. He could not but deeply deprecate measures which forced ministers to go to the middling and lower classes to exercise directly among them that influence which formerly used to be obtained indirectly, through the medium of persons of fortune and distinction. The influence was now applied to persons in the most dependent situations, who looked to it for the means of existence, and who were of course incapable of resisting official temptations. On this subject it was necessary to speak out. Before the alteration in our system was produced by the abolition of places, ministers never, except on occasions of great importance, found any difficulty in carrying on the public business in the House of Commons. Now, on the contrary, there were always abundance of gentlemen ready for opposition on every question, to the great inconvenience of the government, and very seldom in any degree to the advantage of the country. The consequence of this practice was, that the men who were responsible for their conduct were constantly obliged to regulate themselves by the proceedings of those who were in no way responsible for what they said or did. For these reasons he was induced to give his opposition to the motion.

The Earl of *Harrowby* could not agree with the inference of the noble earl, that because his noble friend had voted against the abolitions proposed in 1812, he ought to vote against those now under consideration. In the present case, the measure had assumed a very different shape: formerly, all that was to be done was proposed in one bill; now, the measures were brought distinctly forward, and could be considered separately. The nature of the compensation was also different. The noble earl had stated, that the reason why sir Robert Walpole had no wars was because the influence of the Crown was in his time great; and that the reason there had been many wars since was, because that influence was diminished. This was a proposition which, in his opinion, required only to be stated to show its absurdity. The noble earl's argument went to show that the influence of the Crown ought to be exercised through other channels than those in which it was at present directed; but he ought to consider, that a complete change of opinion had taken place in the country as to the manner in which that influence ought to operate. Within the last 30 years there had certainly been about 30 offices taken away; but they were either offices in which no business was done, or such as had been greatly overpaid. The real difference therefore was, that while those offices in which no business was done were abolished, those of actual business were increased. It was absurd to say that they should all continue to exist. The clamour of the Spa-fields meetings, or of any assemblages of that description, was not to be regarded; but he believed that the measure now before their lordships had the approbation of all the loyal and well-disposed part of the community.

Lord *Redesdale* saw nothing in this new measure to induce him to alter the opinion he had formerly expressed on the subject of sinecures: he thought the principle destructive even of a part of the constitution, and rendered the king the only person in his realm who was incapable of conferring a personal favour. The principal objection urged in 1812 and 1813 was, that the House was not sufficiently informed upon the question; that objection had prevailed; and what new lights had since been procured to lead to any other conclusion? With regard to sinecures, he admitted, that the important duties formerly connected with the offices had not of late years been executed, but at any future period the individuals holding those places might be called upon to fulfil them. Some of them had high judicial functions annexed to them; and would the House consent that they should be assigned over, on the sudden, and without investigation, to the department of the woods and forests, which itself had been much misrepresented? Never had a more unjust cry been raised against any thing than against the forest-laws of this country, which were peculiarly favourable to liberty, when rightly understood. The office of chief-justice in eyre fell under the same consideration as other places mentioned with it. One of the principal provisions of the bill was the abolition of the offices of teller and auditor of the Exchequer, which had been originally instituted for the control of the Treasury; yet now, by a singular perversion of the system, the deputies (who in future were to discharge all the functions) were to be made subject and subservient to the lords of the Treasury. His lordship concluded by warning the House not to yield to popular clamour. It was the duty of parliament to listen to the wishes of the people, calmly and soberly expressed; but it was equally its duty to submit to nothing that bore the appearance of intimidation.

Earl *Grosvenor* said, that the question had been frequently discussed, both on principle and in detail; but at present the House was not prepared to enter minutely into the particulars of the measure. He rejoiced that the bill now came forward under more favourable auspices; not indeed that any praise was due to ministers, or to himself and those who had persevered in calling the attention of parliament to the subject; the credit belonged to the nation, who, with one voice, now claimed that sinecures should be abolished. The House was not indebted for the measure to popular clamour, which one noble lord had censured, but to the good sense of the country, expressed in every petition laid upon the table for a redress of grievances. He objected to the clause of compensation, which he saw in the bill before the House. The pension list at present amounted to 230,000*l.* and he did not see any reason for casting new burdens upon the people. One noble earl had argued, that this measure rather increased than diminished the influence of the Crown; but, at least, it diminished, on the whole, the weight which the nation had to sustain. The influence of the Crown had, indeed, of late years, most lamentably spread into all the employments of life—no place was free from its visitation, and that chiefly from the immense enlargement of the revenue;—it

> " Lives thro' all life, extends thro' all extent,
> " Spreads undivided, operates unspent."

Yet even allowing that the bill augmented the influence for the present, that influence could only be of short duration; it would not be hereditary, as was now not unfrequently the case.

The *Lord Chancellor* said, that if the noble earl supposed that the present bill was at all like that of 1812 and 1813, he was most egregiously mistaken,—there was not the slightest similarity. He had preserved the bill of 1812 and 1813 as one of the greatest legislative curiosities ever exposed in a house of parliament; and he would venture to assert, that in the course of 50 centuries, so much absolute nonsense would not be brought forward. Such a parade of miserable jargon never before defaced parliamentary parchment. Some noble lords had referred to the authorities of sir M. Hale and lord Coke; but he wished the noble earl who spoke last to consider what those two great men would have said upon certain grants of land and valuable leases, whether they were not in reality the greatest sinecures in the country.

Lord *Erskine* warned the House against the augmenting power and weight in the balance of the constitution which the other House of parliament was acquiring, and which was exemplified by the fact, that it had the power of removing any minister the Crown thought fit to appoint. Above all, their lordships ought to take care that it did not improperly yield, because the other House, session after session, besieged it with the same bills, or at least with bills having the same principle. It was necessary first to inquire who made the demand that sinecures should be abolished, and next, what was the precise nature and object of that demand? If both these were examined, it would be found that there was no pretence for the measure now submitted. There was a wide difference between complying with the wishes of the people in reasonable matters, and suddenly consenting to such an alteration of the fixed constitution as deprived the king of a power he had hitherto at all times possessed. He called the attention of the House to the distinction between mere pensions, and offices of high dignity for the reward of distinguished services; and compared the latter to architectural ornaments, which, while they increased the beauty, in fact also added to the strength and solidity of the edifice. He argued that, if sinecures were abolished the people would not in fact be gainers, as the fees of the offices would not be diminished. Considering the power the House of Commons possessed, it was necessary that the Crown should possess a certain degree of influence and weight among the leading individuals of the realm.

Lord *Arden* was sorry he could not concur in the principle of the bill. He considered sinecures as a means vested in the Crown for repairing the misfortunes of noble families, torn and destroyed by the injuries of time. The present bill went entirely to deprive the Crown of those means, and to substitute nothing for them. He had no doubt his noble friends were actuated by honourable motives; but in this instance the interest of ministers was in direct opposition to that of the Crown. Viewing the bill as operating a great change in the condition of the Crown, he could not conceive how the House could accede to such a measure, and he thought that they had not shown the throne due respect in countenancing it so far.

Earl *Bathurst*, in reply to the objection that this bill went to take offices out of the gift of the Crown, observed, that it was unconstitutional to suppose that the Crown would dispose of any office without an accompanying responsibility; but the offices of auditor of the Exchequer and clerk of the pells were not in the gift of the Crown, but in that of the Treasury. As to the objection, that pensions, being a matter of right, would call for no gratitude from the objects of such bounty, this might have been so under the former bill; but at present the number of pensions being limited, the Crown would exercise a selection, and the objects of such selection must always be beholden for the preference.

The House then divided on the question, that the bill be committed:—Contents, 27; Not-contents, 7. The bill then passed through the committee.

HOUSE OF COMMONS.

Monday, June 30.

Usury Laws Repeal Bill.]—On the order of the day for further considering the report of this bill,

Mr. *Calcraft* considered this proposition one of too great moment to the mercantile and landed interest, to pass into a law, without giving the subject the most elaborate investigation. Where were the reasons on which this bill was founded? The probable effect it would have on the money market, and the different species of government stock, was of too much interest to be sanctioned by the legislature, without scrutinizing into what those consequences or efforts might be. He therefore suggested the propriety of not pressing the bill through the further stages, as he feared that at present neither the House nor the public were prepared to treat the subject as it deserved.

Sir *H. Parnell* said, the proper question to be asked on this bill was, not that which his hon. friend had put, namely, where were the reasons on which this bill for repealing the usury laws was founded; but this question, where were the reasons upon which the continuance of these laws could be justified? If the reasons upon which these laws were originally considered to be expedient were carefully examined, they would be found to depend upon such doctrines concerning the nature and use of money as belonged to the darkest periods of the most ignorant times; and particularly to those ages when the principles of commercial policy were wholly unknown. The value of capital employed in extending industry among the people, or in adding to the public wealth by the profitable use of it, had not been thought of, when the lending it for a fair remuneration was set down as a gross abuse in favour of the rich, and to the prejudice of the poor. It would be found upon a careful examination of the subject, that there was not one of those grounds on which the usury laws were founded, which is not altogether at variance with all those principles which the wisest authorities have laid down as the true principles of trade. Yet it is no doubt true, that some of those who are the most ready to acknowledge the full value of their principles, cannot bring themselves to apply them to the care of the usury laws. If the taking of interest for money is viewed in its proper light, it consists in a bargain between the lender and the borrower, which is exactly of the same nature as all other bargains. The borrower finds it his advantage to take the lender's money, and to give a fair remuneration for it; and the lender is induced to confer this advantage, if the remuneration is sufficient to repay him for the value of his money, and the risk he incurs in placing it out of his power. It is this circumstance, that he must secure not only a sum which shall be a sufficient one for the actual use of his money, but also for the risk he runs, which renders it quite impossible to fix a rate of interest which shall suit all cases; for both the actual value of money and the risk incurred vary according to so many circumstances, that no fixed rate can ever be devised which shall not operate to the injury of either the borrower or the lender. When the great importance of the free circulation of capital to all kinds of trade is duly attended to, it must be admitted that a law which fixes the maximum of its price, must be productive of a very mischievous restriction upon its natural powers; it was like fixing a price upon a valuable manufacturing machine, which should be too low to pay the person who made it, the expenses he had incurred upon it. It was impossible to conceive how any legislative interference could be more detrimental to the industry and wealth of the country than that which directly checked the natural course of capital, the great mover of all industry, by depriving those of the means of acquiring it, who had sufficient means to pay for it, if those who were willing to lend it, could secure a just and safe remuneration. For these reasons, he thought the House and the public very much indebted to the learned serjeant who had brought in the bill, and he hoped he would persevere in urging his measure, until the good sense of the country should acquiesce in the policy of adopting it.

General *Mitchell* contended, that the operation of the bill would shake instead of extend credit, generally speaking. It would serve the purpose of money-lenders admirably, who, he feared, would be the only persons benefited.

Lord *Castlereagh* suggested to the learned member, to whom he thought the country indebted, in thus bringing forward the proposition in a tangible form, that it would be more advisable to grant an extension of time for its due consideration.

Mr. Serjeant Onslow consented to postpone the measure, and moved that the report be taken into farther consideration this day three months; which was agreed to.

DROITS OF ADMIRALTY.] Mr. Abercrombie, in behalf of sir J. Mackintosh, whose motion on this subject stood for tomorrow, stated, that his hon. and learned friend wished his motion to stand over for an early day in the next session.

IRISH GRAND JURY PRESENTMENTS BILL.] Mr. V. Fitzgerald moved, the order of the day for the farther consideration of the report of this bill.

Sir *F. Flood* opposed the bill. It implied that the conduct of Grand Juries had been improper, which he would never admit. The measure ought to be postponed, and to be brought forward after it should have been more maturely considered next session. It was an enactment against prudence, economy, and every principle which both sides of the House had so warmly promoted during the session. It created 36 officers of considerable emolument, and appointable by the government. The people of Ireland were in a state of starvation, and ought not to be taxed with 15,000*l.* to pay those new officers.

Mr. *Abercrombie* thought the bill a most important measure. He would support it, because he conceived it to be calculated to promote the domestic prosperity and welfare of Ireland. It was in the first place a remedy for the abuse of oaths. He read from the evidence given by Mr. V. Fitzgerald before the committee, a statement, showing that perjuries as to roads and presentments were so familiar, that they were not regarded as so criminal as other perjuries. In the second place, this measure would operate against the spirit of jobbing, which at present prevailed in grand juries. The other great advantage of the bill respected the manner of conducting business by grand juries. At present it was utterly impossible for grand juries to get through their business. He again read from the evidence of the right hon. gentleman a conversation he had had with the present solicitor-general for Ireland, by which it appeared, that in the county of Tipperary the grand jury were obliged to sit thirteen hours every day: and although no criminal indictment, and no cases connected with the judicial administration, were considered by them, they could bestow only two minutes upon each presentment. The bill went to correct this evil, by establishing a previous investigation at quarter-sessions by persons whose knowledge, experience, and local information, qualified them to investigate fully the necessity of any measure proposed. A great collateral advantage would be, that the character, weight, and authority of quarter-sessions would be raised. It was well-known that the quarter-session was generally held by a person called the barrister-assistant. No opportunity of traversing any bill was given till 1 or 2 in the morning; and then there was such a multitude of bills passing through the hands of the judge, that it was impossible to know whether the one to be traversed was passed or not. He would appeal to the House whether it was fitting that the people should be taxed to support such a system. It was the indispensable duty of the House to interfere. The whole principle of the bill was a principle of economy. It provided that no money should be raised without ascertaining the necessity of the object, the suitableness of the proposed measure, and the most economical mode of effecting it. The hon. baronet had also objected to the 36 surveyors. This might be inconvenient, but he thought it the best means of ensuring the purpose of the bill.

Sir *George Hill* expressed his sincere regret in feeling himself obliged to oppose any measure brought forward by his right hon. friend (Mr. V. Fitzgerald); but he conceived the present bill so entirely inadequate to its professed purposes of amending, whilst it was totally subversive of the principle and system of the existing grand jury laws, that he could not give his assent to it. The execution of county works, particularly roads and bridges by grand jury presentment, had contributed to the improvement of Ireland, by throwing open ready communications through bogs, mountains, and fastnesses, from the interior to her shores in every direction, which would not have been perfected by any other system for one hundred years to come, and to which agriculture, commerce, and civilization have been greatly indebted; it is therefore neither wise nor just to revile and subvert a system which has worked so much benefit to Ireland, and it becomes matter of surprise that his right hon. friend, after the evidence which he himself has given before the committee up stairs, should so completely omit to model this bill upon that opinion, so strongly expressive of the respectability of the grand jurors generally of Ireland, and of the importance of retaining to them their influence in the presentment system, whilst this measure is calculated to render them insignificant cyphers.—Previous to the present king's reign, roads, &c. were executed under the provisions of various statutes from the beginning of James 1st reign, regulating what was termed the six days labour of the parish; but by the 5th of the present king all former road acts were repealed, and grand jury presentments from that period came into regular practice: after a course of above thirty years (various road acts having been passed), an entire revision of them took place in 1796, which ended in their repeal, and all the useful provisions with many excellent amendments were embodied into one law, in which code is to be found the principle of every good regulation for the presenting, executing, and accounting for county works. He admitted, that in process of time, further revision and amendment have become necessary, but he deprecated abolition as amendment, and the substitution of a plan which he declared to be in its present shape, confused, contradictory, and impracticable. Since its first introduction, it had already received as many brought-up clauses as there are letters in the alphabet, and still it remained, a crude ill-digested measure.—A committee up stairs had been appointed in 1815 to revise the grand jury presentments, when they made a report: that committee was renewed in 1816, when two reports were made. That committee examined evidence relative to the conduct of Irish grand juries only in sixteen counties out of the thirty-two, and relative to eleven out of these sixteen, the testimony given was strongly in favour of the presenting system, and highly creditable to the general conduct of the grand jurors of those eleven counties; of the conduct of the remaining five counties it may be urged, that the persons examined left doubts. Now if there be delinquent counties, if there are grand jurors or grand juries in the habit of acting corruptly, he contended they ought to be exposed, that the law was sufficiently strong to punish them; but a few honourable members had no right, from the abuses which they witnessed in their own counties, and did not proclaim and punish at home, to come to parliament and charge such abuses indiscriminately against all the resident gentry of Ireland, preferring a bill of indictment, it would seem, against thirty-two counties, of which sixteen had been condemned without evidence, and eleven contrary to evidence. He professed ignorance of the conduct of those five counties, or of their practices as grand jurors, but if they were generally delinquent, which he more than suspected to be the opinion of some honourable members, it would be but candid on their part boldly to say so, and not stamp the whole country with one common mark of censure and reprobation.—What had been the result of this inquiry, and these three reports? Why, a bill brought in this session by the chairman of that committee (Mr. Cooper) and printed and sent to Ireland in February last, which was deemed so objectionable, not to speak more harshly of it, that it was abandoned. And what is the present bill? An abortion, or at best, a rickety offspring of the one abandoned, exhibiting every feature for which the former was rejected.—The committee up stairs in 1815 conclude their report by stating, "that the final control of presenting and accounting for public money should remain with the grand juries, and recommend that a committee should be appointed in the ensuing session to prepare a bill or bills which should effect a measure so comprehensive as should prove an important benefit to Ireland, and continue to her in an increased degree the advantages she has already derived from her grand jury laws." The present measure is objectionable, because it is not comprehensive; for after so much enquiry, so much expectation excited, so much time elapsed since a well-digested system was promised, unquestionably the public in Ireland had a right to look for a bill which, upon revision of all the existing grand jury laws, should offer one entire code for the regulation of all matters connected with grand jury proceedings, instead of this patchwork, which appears to be hastily brought forward merely to redeem a pledge without even providing for or insuring its own operation. Magistrates possessing a certain qualification of property, are by this bill required to assemble after all the usual business of the quarter sessions is over to put this act in force; but it does not, and could not, compel them to prove a qualification; yet until they do so, they cannot act; thus this grand production may be inoperative; whereas the impannelling of a grand jury at asizes must take place, the manner (if necessary) of enforcing their attendance being provided for.—The present measure does not embrace all the subjects recommended in the report; it omits, for instance, two of great importance; first, to provide for the execution of such a survey as shall establish a more equitable assessment of land; next, to regulate the securities to be given by and remuneration to be made to treasurers and collectors of county money.—This measure is also objectionable inasmuch as it does not adhere to the profession of the committee reports, instead of retaining respect for or preserving a final control to the grand juries it marks the most offensive distrust of the resident gentry; it transfers almost the whole of their powers to a new-created officer, called a surveyor of public works, without whose permission a footpath cannot be mended, nor the grip of a ditch be filled up, and whose acts, the grand juries henceforth will be merely empowered to record. The assistance of a fitly qualified engineer, would, on many occasions, be materially useful. But to give him paramount authority and control over every projected work, whether to mend or to make, to the absolute exclusion of the interference of every resident gentleman, is degrading and intolerable, and far exceeds the proposition of the committee reported 21st of May 1816, which only recommends that he should have the powers now vested in conservators. The duties imposed upon this officer are so numerous and minute, that it will be utterly impracticable for him to perform them in half a county, much less in two counties as is intended, and whilst this officer is made essential to the projecting and execution of every public work, it is notorious that a sufficient number qualified as required are not to be found. However, as this bill cannot have operation until January 1819, there is abundant time to revise it; for although it professes to be in force in October next, yet as the surveyors cannot act until they are sworn at an assizes after they are appointed, and as there will be no assizes after October until Spring, the surveyors, of course, cannot act at the next January sessions. However, it is necessary to urge upon the attention of the movers of this bill, if persevered in, that they will materially consult the public convenience by having the presentments considered at Spring instead of January sessions, and by having the presentments fiated at the Summer instead of the Spring assizes. But considering all the circumstances of this bill to which so much amendment is still required, so many Irish members having returned home, may it not more prudently stand over until next session? Above all things, he would warn his right hon. friend, the secretary for Ireland, not to undertake for that government the responsibility of procuring these surveyors, upon whose efficiency, the whole county works of Ireland will depend: there must be failure and disappointment; a share at least of which will be charged to those who can appoint and dismiss these officers. This measure is objectionable because it will lessen the inducements which gentlemen have in attending their assizes, and so far increase the pressing evil of that country, the absence of the landlords. A few magistrates assembled at quarter sessions in the different corners of a county, as hereby proposed, will not be less disposed to accommodate each other than grand-jurors are; and, if it is intended that peers and clergymen should mix in the presenting system, the former, jealousies would certainly arise, and with regard to the clergy, he held their profession in such veneration, and felt so anxious for the respectability and dignity of the body, that he did not desire to see them engaged with laymen in the worldly and interested discussions which necessarily belong to the application of public money, and whether it ought preferably to be laid out in improving the lines of communication through this part or the other part of a county. This bill is farther objectionable on account of the very great additional expense it will inflict by requiring 20,000*l.* per annum to pay the salaries of the surveyors, besides what must amount to a very large incidental expense in defraying the charges which will be incurred at all the different sessions. Another strong objection occurs, which is to one of the added clauses which proposes to enact absolution to a grand-juror for the non-observance of a part of an oath which he is obliged by law to take; at present a grand juror is obliged to swear "that he will not disclose his fellow jurors counsel or his own"—And the clause in this bill alluded to enacts, "that nothing in the oath of a grand-juror doth extend or can or shall be construed to extend to require or compel the secrecy of such grand-juror in matters relating to making presentments &c.; and that it is and shall be lawful for such grand-juror to disclose any counsel of himself or his fellows, notwithstanding the said oath." It does apppear to be somewhat absurd in legislation to require by one statute that a particular oath shall be taken and observed, and by another statute to enact not only, that he may disobey the first statute, but that it is not lawful to obey it. Was this clause suggested by some English lawyer, on the committee up stairs? It offers both a curious specimen of their opinion of an Irish conscience, and of their mode of legislating for Ireland. Suppose an Irish grand-juror (for argument sake) had a little conscience, and, on account of this clause, refused to be sworn, what might be the consequence? Fine and imprisonment for contempt. Well, if he had no conscience, (as seems by some to be supposed) and took the oath, what might be the consequence?

Why, that he might be indicted for perjury under each statute, indictable for not keeping his oath under the former statute, and indictable under this statute if he presumed to keep it; this is really ludicrous. If secrecy, as to the advice, counsel, and opinions of grand-jurors to each other on presentment business, ought not to be kept, repeal the present oath and substitute another to be taken in place of it; but do not let the House be induced to sanction so absurd a mode as herein proposed of arriving at the object of the clause. There are many other objections which exist to the present measure. They might be remedied in some degree on recommitment and the confusion and indefiniteness of parts of this will render a recommitment inevitable. The committee upstairs recommended one excellent alteration which, with the able assistance of a much lamented gentleman (Mr. Horner) now no more, was made laws—to require all bills of indictment to be found on *viva voce* testimony. For the present let them rest contented with this fruit of their labours; and, as it is perhaps within 10 days of the close of this session, will not the prudential proceeding be, to amend the bill, and reprint it with an understanding that it will not be farther pressed at this time, but in that shape be distributed so as to be discussed by the grand juries at the ensuing assizes in Ireland? After some farther observations, Sir G. Hill concluded with moving, by way of amendment, "That the report be taken into farther consideration, on this day three months."

Mr. *Peel* thought it would be infinitely better to reject the measure altogether, than to hold out delusive hopes to Ireland by the formal adjournment of its consideration to another session. The House must be fully prepared to decide upon the merits of this question. Why, then, postpone the decision? The objections of his right hon. friend to the powers which this bill proposed to confer upon the nobility and clergy of Ireland were, in his opinion, quite untenable. For what could be more reasonable than that clergymen, being magistrates and having property, should, as well as the Irish nobility, who had so large a stake in the country, have a right to interpose upon the subject of presentments for public works? As to his right hon. friend's suggestion, that the consideration of presentments should rather take place at the summer than at the spring assizes, he had no objection to accede to it; because a greater proportion of the Irish landlords were likely to be present at the one assizes than at the other. With respect to the objection that the bill went to transfer the whole province of the grand juries to the magistracy, no other power would be given to the magistrates than that of previous inquiry. They were to possess no negative upon any presentment, but merely to accompany it with their opinion, upon which the grand jury would act according to its judgment. He should cordially support the bill because, he was convinced it would do much good; rather than postpone the measure, he should prefer seeing it rejected altogether.

Mr. *Ponsonby* cordially concurred in the general principles of the bill. He admitted the importance of carefully controlling the branch of the public expenditure which was vested in the hands of grand juries. In the form of the oath, however, he disliked a statutable declaration, and would rather prefer an alteration in the old oath to any other mode of proceeding. A late excellent friend of his (Mr. Horner) had entered deeply into the state of the grand jury laws in Ireland. One of his bills had been most usefully acted upon in Ireland. He had seen its value in the county which he had the honour to represent. The business of the grand jury was performed with regularity and dispatch, and the common people appeared perfectly satisfied with the form of examination observed in finding bills of indictment. What that bill did in one department of judicial investigation, he was satisfied this bill would do in stopping the jobbing system of civil expenditure. To the clause for the appointment of county surveyors, he strongly objected. He was afraid it would be made a matter of political aptronage, and local purposes thereby effected through the medium of such an office of a very different nature from those which were assigned to it by its constitution. The surveyor was to be in the place of the conservator, who was got rid of because the office was found not to be of the slightest possible use; and this office would he was convinced, be found equally useless, though perhaps in its operation productive of more harm. As to the qualifications for the individual to fill the office, he certainly ought to have no local connexion, or be a native of the county where his official duties as a surveyor should be stationed. In the previous investigation which the bill enjoined, he entirely concurred, and also in its general principle; but he had a strong objection to the appointment of local surveyors.

Sir *N. Colthurst* approved of the alteration in the time of arranging the presentments; but objected to the appointment of surveyors.

Mr. *V. Fitzgerald* vindicated the general principle of the bill, as calculated to do more good to Ireland, than any measure that had been adopted since the Union. He should be prepared, on the third reading, with a clause to qualify the oath to be taken by grand jurors. With respect to the proposed appointment of county surveyors, he felt assured it never could degenerate into a political job.

Sir *H. Parnell* said, it was highly necessary there should be some public officer, whose duty it should be to take care that the money levied by the grand jury was properly expended. The bill was a most important one with respect to the good it would do in Ireland.

Mr. Daly here suggested the propriety of recommitting the bill, to have those alterations made in it, to which no opposition was made. This proposition, after some further discussion was agreed to.

The House having sat till twelve o'clock, the chancellor of the exchequer was about to move the committal of the Extents in aid bill, when the question of adjournment was suddenly put and agreed to, in consequence of the sudden illness of Mr. Ponsonby.

HOUSE OF LORDS.

Tuesday, July 1.

Clergy Residence Bill.] The Archbishop of *Canterbury* moved the second reading of this bill. His grace said, it was in its principle, and for the most part in its details, the same as the bill relative to this subject which had come before their lordships last session, and which they had ordered to be printed and circulated. The object of it was, to consolidate into one act all the laws which lay scattered in the statute book relative to spiritual persons holding farms, to the residence of beneficed clergymen on their livings, and the allowances to be made to stipendiary curates. The clergy would thus have the means of knowing the laws particularly affecting them.

The bill was then read a second time.

Saving Banks Bill.] In a committee on the saving banks bill, lord Redesdale proposed a variety of amendments. A conversation afterwards arose on the difficulties to which the execution of the bill, in its present imperfect state, would be exposed; and the lord chancellor suggested, that the better way would be to move the postponement of the present bill for three months, in order to give an opportunity for introducing a new one. On the House being resumed, the report was accordingly ordered to be received this day three months.

HOUSE OF COMMONS.

Tuesday, July 1.

Petition of Mr. Evans.] Mr. *Bennet* asked the right hon. gentleman, whom he saw in his place, whether he was now prepared to give any answer as to the petition he had presented from Mr. Evans?

Mr. *Addington*, as it seemed to be the wish of the House, to hear an explanation of the complaints in Mr. Evans's petition, acknowledged that he was now prepared to give a much more satisfactory answer than he could have given on the day that the petition was presented. It had been then argued, that all in the petition must be true; and even an hon. gentleman had gone so far as to say, that he would submit a motion on the subject if a satisfactory explanation should not be given. He might consider himself absolved by the notice of such a motion, from giving any explanation till the motion was made; but he was now willing to explain all the complaints in the petition. He had stated his utter incredulity as to the charges in the petition; he had expressed himself sure that most of the facts were not true, and confident that many of them were quite unfounded. First of all, as to the petition said to have been withheld, he had felt confident that his noble relation, the secretary of state, was not capable of so great an abuse as deliberately keeping a petition from any subject from reaching the walls of that House. He had been quite sure that his noble relation had not withheld it; first, because he knew his feelings were such as would never endure such an act; secondly, because a similar petition from a Mr. Knight, in Reading gaol, had been forwarded; and thirdly, because the solicitor for Mr. Evans was instantly, on his requesting it, granted leave to see him, and to prepare a petition similar to the one now presented. But what was the fact as to this serious charge? Mr. Evans sent a petition on the 21st of February to the secretary of state's office, by the hands of Mr. Abbot for a noble lord, whom he did not now see in his place (lord Cochrane); but next morning he sent to request that it should be given to Mr. Harmer, his solicitor. Mr. Harmer got it accordingly, and since then no word was heard of it in the office: but last Saturday, looking over the votes, he found that it had been presented to that House on the 27th of February, and by the hon. gentleman opposite (Mr. Bennet). The hon. gentleman must pardon him for expressing considerable surprise that he had sat in his seat all the time this charge had been so strongly urged without once contradicting it.—So much for the petition, which had not remained twenty hours in the secretary of state's office. He would now proceed to the other charges. Mr. Abbot (for he had examined him on the subject—he had first gone to the gaoler of Coldbath-fields, and then to the gaoler of Horsemonger-lane) assured him, that he had never refused Mr. Evans the use of pen, ink, and paper. It was always the practice in that gaol to cast prisoners into irons. Mr. Abbot had been there for five years, and it had been the practice before his time. The day after Mr. Evans had been thrown into irons, three gentlemen asked to see him; and one of them asked the gaoler whether it was the practice to put prisoners there into irons? Being told that it was the uniform practice, they acquiesced. The next day the irons were taken away.—He next read a description of the room in which he was confined, which had been called the condemned dungeon. It was 25 feet long, 18 feet wide, and 11 feet high. There were two large windows, a fire-place, and a coal-place. There was a view of the Surrey hills from his window. The younger Evans had a room exactly the same, except that, being lower, the view from it was not so extensive. It had been alleged they had not been allowed to walk any where. There was an arcade 55 feet in length, in which they were allowed to walk. He asked the gaoler whether there was not a place where they could conveniently enjoy free air, and he answered, "Certainly not, without being exposed too much for their security."—Another point he would mention was the alleged want of communication with his dearest friends. His wife had been allowed to visit him and to converse with him through the iron gate, which was open from top to bottom, so as to admit them to see and converse freely. All the possible modes in which any grievances felt by prisoners could be made known were two. The one was by writing to the secretary of state. This Mr. Watson had done, and had always obtained redress, for which he had written a letter of thanks. The other mode was by sending to inquire at the gaols, which it was impossible to do as to every gaol in the country; and which, if possible, would be a libel upon the individuals who had the management of prisons.

Mr. *Bennet* said, he did present a petition formerly from Mr. Evans, but he had not known on Friday last, and did not know now, that it was the identical petition with respect to which there was a complaint of its not having been forwarded. As to the other points, the right hon. gentleman had advocated, but had neither denied nor explained them. He knew not whether other prisoners had been treated with the same severity, but he knew that Mr. Evans was put first in Coldbath-fields prison, into the same room and bed with a felon. The younger Evans was put into the hospital-room, with six unhealthy felons. He had gone to visit Evans on Monday last, but was refused permission; he then requested to be allowed, at least, to see the arcade, which was granted. In going up the stairs he would admit that he did steal a look into those dungeons; he did not see Mr. Evans, but he saw Mr. Pilkington, in precisely the same kind of room as Evans. He asked if it was the same, and was answered it was precisely. There he saw this unhappy man, this innocent individual, pacing the room up and down. It was a place for convicts between the time of sentence and that of execution. It was not a place of confinement, but a place of punishment. With the felon's punishment he had also the felon's fare. There was a truckle bed, a pail for water, a table, and a chair. The right hon. gentleman had not said that Evans had any fire. He would appeal to the common principles of humanity, whether Mr. Evans who was author of the pamphlet on the Spencean doctrines, should be excluded from all means of literary gratification. However, ludicrous those doctrines were, it was evident he was a literary person. It was, then, no small hardship for such a person to be denied the use of a candle for the long hours that he had to pass in this dungeon. Yet how much harder would it be by-and-by, when the long nights as well as long days must be so passed. It was not denied that Mr. Evans's flute was taken from him. Nine-tenths, then, of the charges were admitted. The only pretence for putting Evans into irons must have been to keep him in safety. Now the prison was more like a fortress than a prison. He did not say that it was absolutely impossible for an adventurous prisoner to attempt to escape, but for Mr. Evans there was not the least chance of his attempting or effecting his escape.

Mr. *Barham* expressed himself dissatisfied with the explanation of the right hon. gentleman, and declared his intention of bringing forward his motion to-morrow.

Mr. Grant's Finance Resolutions.] Mr. C. Grant, junr. handed to the Speaker the following Resolutions:

1. "That the total amount of the funded debt, of the United Kingdom, unredeemed,

was, on the 1st February 1816	£.810,046,036
And on the 1st February 1817 -	790,050,980
Being a diminution of - - -	19,995,056

2. "That the total amount of the unfunded debt, in exchequer and Irish treasury bills, was, on the 5th January, 1816

In exchequer bills - -	41,441,900	
In Irish treasury bills-	2,497,808	
		43,939,708
And on 5th January 1817:		
Exchequer bills - -	44,650,300	
Treasury bills - -	5,304,992	
		49,955,292
Being an increase of - - - -		6,015,584

3. "That the sum to be expended by the commissioners for the redemption of the funded debt of Great Britain and Ireland, in the

year 1817, may be estimated at -	14,464,443
And that provision has been made for paying off navy and transport debt, within the same period, to the amount of - - - - - -	1,660,000
	16,124,443

4. "That the amount of exchequer bills

outstanding on the 5th January 1817, was - - - -	44,650,300	
and of Irish treasury bills - - - - -	5,304,992	
		49,955,292

That the amount of exchequer bills and of Irish treasury bills, granted in the present or former session, which will be outstanding on the 5th January 1818, should the whole of the supplies of the current year be then issued, will be

In exchequer bills - -	60,000,000	
In Irish treasury bills	4,684,992	
		64,684,992
Increase of unfunded debt unprovided for (exclusive of any excess of charge upon the consolidated fund of the United Kingdom, beyond the income thereof) of		- 14,729,700

Being less by the sum of 1,394,743*l.* than the sum of 16,124,443*l.*, which, as before stated, will be applied in the course of the year to the reduction of funded and unfunded debt:—viz.

Sum to be applied to the reduction of debt - - - - - - -	16,124,443
Increase of unfunded debt - -	14,729,700
	1,394,743

The first Resolution being read, the debate thereupon was adjourned till Friday.

HOUSE OF COMMONS.

Wednesday, July 2.

Petition of Mr. Evans.] Mr. *Barham* said, that in bringing forward his motion, it was unnecessary for him to disclaim any feelings of personal hostility to the noble secretary for the home department, from whom, as well as from his right hon. relative, he had received his full share of civility. Neither did his motion originate in any general hostility to the measures which were proposed from the other side of the House, nor from any bias towards democratical opinions. The whole course of his parliamentary life would contradict such a supposition. He had always been of opinion that democratical or monarchical principles, pushed to their extent, would have probably in the end the same effect; that as the democratical principle, by unrestrained ascendancy, might destroy liberty by means of the subversion of the government, so the ascendancy of arbitrary power by destroying liberty, would cause the destruction of the government. He had once thought fit to support the government, and by supporting it to support liberty itself against democratical power, and he now, by supporting liberty against arbitrary principles, conceived he also was contributing to the security and permanence of the government. That arbitrary notions and practice now prevailed and were increasing, he was persuaded, not only by things said and done every day, which would not formerly be tolerated, but by the silence observed as to the maxims which had once been the boast of Englishmen, or the manner in which, when advanced, they were received. Not to enumerate many instances, they would recollect that when in a speech which would long be deeply impressed on the minds of all who had heard it, a noble lord (Nugent) had said, that revolution was to be preferred; this sentiment was received by clamour of disapprobation from the opposite side of the House. Was this a new sentiment? Was it not one which had been uttered daily in the best times of English history? As to the case immediately the subject of his motion, two explanations had been given by the right hon. gentleman. The first seemed to disclaim all responsibility for the right hon. gentleman and the secretary of state, as to what passed in the prisons, in which the unfortunate men were committed on suspicion. This doctrine he strongly protested against. The secretary of state should be informed by some confidential person, for whom he was responsible, of the state, and almost the daily occurrences of those prisons. The secretary of state would not be degraded by such a superintendance; for no employment could be more honourable than an attention to the state of men so incapable of protecting themselves. The prisoners had been deprived of the protection they derived from the visits of the magistrates. It might be proper to prevent indiscriminate access; but he could not conceive how this principle could be carried so far as to exclude his hon. friend (Mr. Bennet), than whom a more useful member there was not in the House. What could be the object of this? If it were supposed that his hon. friend would enter into an improper communication with the prisoner, the gaoler was at hand to prevent it. It was painful to think that in a few years so great a change had taken place in our opinions. That benevolent man, who had devoted his life to the examination of prisons to which he had been first directed by his official duty as sheriff of Bedfordshire, and to whom the doors of every prison in the most barbarous parts of Europe had been opened, would now have had the door of the prison of his own county shut in his face by the gaoler he had appointed, and this by order of a British secretary of state. This exclusion of all examination was one reason for his motion; another was, that a general opinion seemed to prevail, that the complaints of these prisoners were not to be attended to, because they were in prison for their offences; in other words, that they were put there for punishment and repentance. This was an opinion founded in the grossest injustice; if any measure was taken which was not purely a measure of precaution against escape, injustice was done.—He should refer to one or two points in Mr. Evans's petition. That respecting the petition to be delivered to the members for Westminster had been denied, and he was bound to believe, that no petition had been sent to the home department, which had not been forwarded. But evidently there was some mistake, as no man in his senses would have put in the front of his petition, an allegation which he knew could be proved to be a falsehood. This demanded explanation. The statement as to the irons had not been satisfactorily explained. Why had Mr. Evans been sent to a prison where it was the rule to put people in irons without special directions? There was a wide difference between these persons, and those committed on the direction of disinterested magistrates, and after examinations on oath. He should not advert to the felons beds, and the felons fare, nor the beautiful arcade; but there was a fact, which its minuteness rendered characteristic—he alluded to the order to deprive the prisoner of his flute. It reminded him of the story of the gaoler who killed a spider, which had been the amusement of an unfortunate being in similar confinement. It was curious that the right hon. gentleman who could subject men, some of whom were possibly innocent, to such a punishment, was afraid of libelling the gaolers, by inquiring into their conduct. It was said, the prisoners might petition. Suppose they were allowed pen and ink, by whom were they to petition—through those of whom they had to complain? Possibly these persons, who were to overturn the British constitution, might not be able to read and write. Were they to ask the gaoler to write for them? Nothing could be more accordant with the interest even of the ministers who possessed this power of unlimited imprisonment, if they meant to exercise it well, than to show the public that they had acted humanely. Seeing no objection to inquiry, he should move, "That the petition of Thomas Evans be referred to a select committee."

Mr. *Addington*, in making a few observations on what had fallen from the hon. gentleman, would pass over the general topics on which he had touched, not from disrespect to the hon. gentleman, but because he was unwilling to occupy the time of the House longer than was absolutely necessary. Even if the hon. gentleman had not spoke in terms of so much praise, for which he felt grateful, of his noble relation and himself, he should have been the last person to suspect him of any personal hostility. He certainly could not, however, have expected complaints from him against his noble relation. As to the petition alleged to have been withheld from the House, he had proved to a demonstration, that it was not detained in the home-office. He had a receipt for it from Mr. Harmer, the solicitor for Mr. Evans. It was the only petition that ever came from him to the office. The other point which had been urged against the noble secretary was, that he ought to have been informed of the internal state of every prison. This, however, appeared an extraordinary assertion, that a secretary of state who was so ready to hear every complaint that might be sent to him, requiring a redress of grievances, should be compelled to make daily inquiries into the conduct of gaolers, and whether it was consistent with the orders prescribed to them? It was competent for the prisoner to make complaints, if his treatment had been improper, and the best answer to his own allegations was, that no complaint had ever been sent to the office. Pen, ink, and paper had never been refused to the prisoner, and if not able to write, he might have sent a verbal request by the gaoler; and the fact was, that Mr. Evans had actually sent one message to the office of the home department, by the gaoler of Coldbath prison, that his former petition should not be given to the members for Westminster, but to Mr. Harmer, his solicitor. Directions had been given to every gaoler to pay the strictest attention to the prisoners, and the secretary of state was ever open to their complaints.—Having thus exonerated the secretary of state from the clauses which had been brought against him, he felt it no less his duty to defend all other persons, gaolers and turnkeys, from the severe accusations hurled against them. To obtain every information on the subject, he had sent that morning for the gaoler, and made every necessary inquiry respecting the management of the prison. He learned that there was an unlimited allowance of coals, except in summer, when only a quantity was provided sufficient for culinary purposes. Candles, indeed, were issued under some restrictions, and only on special authority. Much stress had been laid on depriving Mr. Evans of his flute; it was, however, the rule of the prison not to allow music, as it disturbed others, but Mr. Evans might have had his flute if he did not make use of it.—The bed which Mr. Evans used was perfectly new, and of a better quality than those in common use in the prison; but if Mr. Evans were dissatisfied with this, he might have had his own bed and furniture. The sheriff of Surrey had, he understood, that day, visited the prison, in company with an hon. member with whom he (Mr. A.) had not the honour of being acquainted, but who, if then in the House, would no doubt state the circumstances which came to his knowledge. From every person who had an opportunity of observing the conduct of the gaoler, the most favourable report was made as to that officer's humanity and attention to his prisoners, but he could not be fairly condemned for enforcing the rules prescribed by the magistracy for the government of the prison, although the application of those rules, in the instance of ironing these state prisoners, must certainly be regretted. This rigor was, however, of very short duration; and he was assured, that so far from the prisoners feeling any resentment or prejudice against the gaoler, the whole four were willing, if afforded the opportunity, to testify their gratitude for his kind and benevolent treatment.

Mr. *B. Shaw* said, that knowing formerly the treatment of the prisoners, the discipline of the gaol, and the conduct of the gaoler, he was surprised at the accounts that had gone abroad under the sanction of the petition. He had therefore made a point of going to the prison that morning, for the purpose of satisfying himself of the foundation of these accounts. He had seen and conversed with all the prisoners, who all concurred in stating that they had no complaints to make against the treatment they received at the hands of the gaoler or the magistrates. The elder Evans mentioned, that so far as his treatment in prison was concerned, he had no charge to make, but that liberty was sweet, and that no situation could be agreeable in which he was deprived of it. Pilkinson confirmed his testimony to the conduct of the gaoler, by declaring, that he was so far from complaining of any oppressive or harsh usage from the gaoler, that he regarded him with love and gratitude, as his friend and benefactor. The younger Evans had no complaint to make, except with regard to the supply of candle, and Ogden went even farther than the rest in giving his evidence to the kind behaviour of the gaoler; declaring, with tears in his eyes, that he should never forget the kindness which he had experienced from his hands.

Mr. *Bennet* never accused the gaoler of harsh conduct or gratuitous severity, for he had never heard any thing of him but what was to his credit; but the question had no reference to the particular character of an individual, but to the general system of treating prisoners confined under the suspension act. The right hon. gentleman had contradicted no material fact of the petition but one—that regarding the refusal of pen, ink, and paper. This he had denied; but he believed the right hon. gentleman was mis-informed. The pleasure which the prisoners were said to enjoy in a fine view of the Surry hills was now given up. The next allegation was, that they were not supplied with light; and the defence set up against this charge was, that they were, so far as the rules of the prison would permit. The right hon. gentleman had spoken about an arcade in which they were allowed to walk; but, if he had himself gone, as he ought to have done, and examined this arcade, he would have found that it was merely a narrow passage, into which the doors of the prison cells opened. In all those cases the rules of the prison were thought a sufficient apology for the treatment these prisoners endured; but if ministers suspended the liberties of the people, and threw men into prison on suspicion, they ought to correct these rules so far as their treatment was concerned. If ministers proceeded with their new system of imprisoning, they should build new prisons, and not treat the victims of their power like the common disturbers of society.

Mr. *Sumner* stated the prison to have been visited by three magistrates of the county, subsequent to the committal of the prisoners: Mr. Young and Mr. Laing were of the number. They visited the cells without any objection being made to their doing so. Evans complained of having been put in irons, which he said was grating to his feelings. He had been told this was contrary to the rule of the prison, unless it was ordered by the secretary of state. He (Mr. Sumner) had understood that the gaoler, as he was accustomed to put persons charged with felonies in irons, had conceived himself bound to take the same course with an individual who was charged with a still higher offence. The magistrates recommended the prisoner to present a memorial to the secretary of state; this was done, and the memorial immediately produced the desired effect. He bore testimony to the unexceptionable character of the gaoler. He described the dimensions of the prison; stated the prisoner to have been at liberty to send for his own furniture, and added, that this had formerly been done by Mr. L. Hunt, who was confined in the same apartment, and furnished as it was by him, he (Mr. S.) had never been in a more comfortable room in his life. Mr. Evans might have made it the same. With respect to fire, the prisoner had been restricted, not as to quantity, but as to time. If he had been deprived of his flute, other enjoyments were left to him. Pens, ink, and paper were allowed, and also books. He could not see that any blame attached to those by whom these matters were regulated.

Mr. *Stuart Wortley* had never heard a charge more completely disproved than the present; nor had ever seen a case that appeared more completely trumped up to deceive the public, and to excite odium against the government. With regard to the petition which was alleged to have been sent to the secretary of state's office, and there detained, the person who had made such an accusation, or who authorized it to be made, must have known that he was advancing a direct falsehood. Mr. Evans himself could not have known whether his first petition was presented or not; but his solicitor, Mr. Harmer, who drew up the second, and who made the detention of the first one of its alleged acts of oppression, could not have been ignorant of the fact. He therefore must have been conscious, that in allowing that allegation to stand uncontradicted, he was authorizing a falsehood, for the purpose of exciting odium against the secretary of state, and creating an impression in the country against the government, by having a charge of this kind inserted in the newspapers, and giving it currrency for a few days without the chance of contradiction. He was sure that his hon. friend who presented the petition would not have countenanced such an attempt at delusion, had he suspected it. His hon. friend must have forgotten the circumstances, or have read the second representation very carelessly; otherwise, with this suspicious circumstance staring him in the face, he would not have allowed the House to be deceived, or the country to be excited. Had he not, therefore, a right to say that this petition was trumped up, not to complain of a grievance, but to propagate a delusion? The person who drew up this document knew that the suspension of the Habeas Corpus act had excited a great deal of party heat in that House, and therefore played off this falsehood for the sake of effect, and with the intention of increasing the unpopularity of the measure. With regard to the irons, he had an equally good title to complain of an attempt at delusion. The irons, which it was the practice of the prison to put on all prisoners, were struck off as soon as a representation of the circumstance was made to the proper quarter. He saw no reason why they who were charged on oath with being guilty of crimes against the state should be more leniently dealt with than other persons confined for less offences; but allowing that they ought not to be so treated, why make such a complaint when immediate redress had been obtained, except for the purpose of creating unfavourable impressions? This was another evidence that the petition was trumped up for delusive ends. The charge brought against the prison for the smallness of the rooms was equally destitute of foundation, and manifested the same spirit. He was at first disposed to consider the taking away the flute as a piece of cruelty; but he was reconciled to it when he heard it was the rule of the prison, and reflected that it might be troublesome to the other prisoners whose comforts should be consulted as much as that of Mr. Evans. If this rule could be dispensed with, however, he would think it better to do so, though the cruelty of the act had now been disproved. There was not a single allegation that had not been sufficiently contradicted. With regard to the want of ground for walking, he thought that though the arcade removed some of the cause of complaint, the prisoners might be allowed to use the garden, if that indulgence could be permitted consistently with the safe custody of the prisoners. He made these observations because he had supported the suspension act, believing in his conscience that the measure was necessary for the safety of the constitution. It was true that the House should watch with care the exercise of a power so largely granted, but it should likewise guard against being made the vehicle of trumped up accusations and unfounded complaints.

Sir *F. Burdett* observed, that the hon. gentleman who spoke last had declared, that he had voted for the suspension act from a love of the constitution—that was, from a love for the liberty of the subject; and yet, when a subject deprived of his liberty complained to that House of injustice and oppression, the hon. gentleman angrily deprecated his conduct, because the application for redress was not made to the very persons to whose system the complaint referred. He would vote for having the petition referred to a committee for the purpose of inquiry, because the statements in that petition presented *prima facie* grounds for parliamentary investigation; and he could not be dissuaded from thinking that such an investigation should take place, by any of the testimonies which the House had heard with respect to the character of the gaoler; for he could not forget, that when he formerly submitted charges of a similar nature against a person, he was met by the most confident assertions and the most lofty eulogiums upon the person to whom his charges referred. He would not impute any criminality to the gaoler of the prison in Horsemonger-lane, for he knew nothing of the man, therefore such an imputation would be neither fair nor liberal; but was it fair or liberal in the last speaker, to impute falsehood to a man in a dungeon? Was not such an imputation indeed utterly unwarrantable, while the hon. gentleman himself admitted that it was wantonly cruel to deprive this unfortunate prisoner of his flute? But to return to the complaint which he had on a former occasion brought forward with respect to the conduct of a gaoler, he felt strongly its analogy to the case under consideration, for he remembered that several gentlemen were found in that House to bear testimony in favour of that gaoler,—some indeed asserting, that his only fault was, truly, excessive humanity towards his prisoners. Such was the testimony in favour of Aris, of Coldbath-fields, of an honourable and religious member of that House—

Mr. *S. Wortley* here rose to order, observing, that the hon. baronet had on a former evening applied the same description to a member of that House, when it escaped notice; but he submitted that such a description was not correct or parliamentary.

The *Speaker* said, that being appealed to, he must observe, that to describe any member in ironical terms was not consistent with parliamentary order; and the hon. baronet must be aware that such a mode of designation was not agreeable to the usual practice of the House.

Sir *F. Burdett* did not mean to use the description objected to ironically, but distinctively, and in order to mark the character which was known to belong to the hon. member alluded to. That hon. member was, it would be recollected, among those who were imposed upon with regard to the character of Aris, and therefore testified to that which he presumed he would now be ready to admit was quite erroneous. Mr. Wilberforce Bird was one of the members of the committee to whom the complaints respecting Coldbath-fields were referred, and he recollected that hon. gentleman to have stated a fact with respect to Aris, which was quite equal, if not superior, in cruelty, to the old story of the destruction of the spider in the cell of a prisoner in the French Bastile. A prisoner who was confined for 13 or 14 months in a cell in Coldbath-fields, which was only 8 feet long—by 6 feet wide, was still loaded with irons. A robin, which had got into the cell through the grate, was the unhappy man's only companion and consolation. This robin was, indeed, so familiar, that it was not disturbed, or would not leave the cell, on the appearance of the turnkeys, who daily brought the prisoner his provisions. But Aris himself happening one day to accompany the person who delivered the provisions, he seized the poor robin and crushed it to death; and the prisoner declared in tears to Mr. Wilberforce Bird, that this event inflicted a more severe pang upon his feelings, than could have been produced by the death of all his relations. Such was the act of his "excessively humane gaoler" as some gentlemen in that House described him—as the magistrates of Middlesex indeed universally pronounced him, and yet those very magistrates found it necessary, some years afterwards, to dismiss this gaoler from his appointment, for most unworthy conduct, under suspicions indeed of the most heinous guilt. He could not, then, with such circumstances in his memory, be satisfied of the propriety of dismissing a prisoner's complaint merely upon testimonies to character from those who perhaps had no adequate opportunity of ascertaining the gaoler's real conduct. If the gentleman opposite were so fully convinced of his rectitude, why object to the appoinment of a committee? An intelligent observer of human nature had said "that the steel-hearted gaoler was seldom the friend of man." He would not say that the gaoler immediately alluded to deserved any censure, but he would maintain that there were sufficient grounds in the charges against him to call for inquiry. The right hon. gentleman had emphatically observed, that no prisoner was precluded the liberty of complaining; but what availed that privilege, if prisoners were to be condemned for complaining to any but those with whom the cause of their complaint originated. The petitioner had been now above five months in custody, precluded from the due enjoyment of air and exercise, and surely such a case deserved the humane consideration of the House. All legal, equitable, and humane authorities had protested against any degree of rigour, as unnecessary for safe custody with regard to prisoners, especially before trial and conviction. Why, then, should any unnecessary rigour be practised towards these state prisoners? If ministers wished to remove suspicions, and not to excite disaffection, there were no means so efficient for both as by agreeing to the present motion.

Lord *Castlereagh* submitted to the House, whether this case was one into which it was incumbent on them to institute an inquiry. To allege, that individuals in the unfortunate circumstances of the petitioner, were exposed to the possibility of hardship, was rather an argument against the suspension bill itself, than an inducement for going into this committee. He admitted, that persons confined under the powers of that act ought to be treated with all the indulgence that was consistent with their situation; but the reasons urged for referring the petition to a committee would be an argument for adopting the same course in each individual case. He did not deny that circumstances had arisen in the course of this discussion which would lead to a correction of the evil; and the presumption was, that whenever an abuse did exist, it would not be long before it came to the knowledge of government; who, he could assure the House, would be disposed to pay the utmost attention to it.

The motion was negatived.

HOUSE OF COMMONS.

Thursday, July 3.

NEWFOUNDLAND TRADE.] Mr. *M. A. Taylor* said, the House would recollect, on his submitting a motion to them for the appointment of a select committee to inquire into the state of the Trade of Newfoundland, he had mentioned, as the ground of the motion, the heavy distress which that trade was labouring under, from difficulties of a pecuniary nature, and the melancholy state of the island of Newfoundland itself, in consequence of the difficulties of the traders. He had stated that a large population were actually in a state of famine,—that the warehouses of the merchants were broken into by a starving people,—that the capital was in such a state that it was impossible to afford any protection to property,—and that unless some relief should be afforded by the House and by the government of the country to this calamity, the horrors of the ensuing winter would be aggravated in an inconceivable degree. A committee had accordingly been appointed, and no person could read the report without agreeing that the circumstances detailed in it went much beyond any thing he had previously stated to the House. The evidence before the committee was given by merchants of great eminence—men who had great capital employed in the trade. One unanimous determination ran through the evidence of every merchant, that unless the House gave them some relief, the losses in carrying on the trade were so great that they could no longer continue their capital in it. It was necessary to tell the House that Newfoundland in itself was totally unproductive—that its whole supply, excepting the article of fish, was carried out from this country. Formerly, there was hardly any resident population on the island. The merchants sent out vessels from this country which conveyed the persons employed in catching and curing the fish, and their sustenance, and they returned again in winter. The only people left in Newfoundland were a few to take care of the apparatus for curing, &c. all the rest returned to England; so that the population of Newfoundland bore then no proportion to what it was at present. In the course of time it was found necessary to have middlemen resident on the island, who were called planters. These persons caught the fish and cured it, and bartered it with the merchant for such articles as were necessary for the supply of their wants. In process of time, these planters increased greatly in number. The population now amounted to 80,000 persons. It would be seen in the evidence that last winter men who formerly gained an honest livelihood by their industry, were seen in the streets living by plunder. They entered almost all the storehouses belonging to the merchants, and plundered them of whatever they could find in them. For months the population were suffering from a state of misery almost unexampled in the history of the world. The merchants who had their storehouses broken into, were determined this year not to send out any stores, while the island was in such a state that no protection could be given to their property. The consequence would be, that next winter the population must die by hunger, unless government, by employing transports to carry out provisions to them, should afford some relief to that wretched country. The trade with Newfoundland was very extensive. Mr. Kemp, of Pool, stated to the committee, that he had a capital of 60,000*l.* employed in the trade; that he lost last year 20,000*l.*, and that he should lose the same sum this year; and therefore it was impossible for him any longer to carry on so ruinous a trade. What, it would be asked, could be done with this starving population? But he would ask in return, were these people, because the trade was not so thriving as to induce merchants to continue their capitals in it, to be left to all the horrors of famine? The merchants requested that 5,000 of the population might be removed by government. If that number were removed, they thought they could find employment for the rest. The merchants said they could not meet the French in the European market; that the fishing part of Newfoundland had been conceded by treaty to France; that the French government were exerting themselves by bounties to support the trade. Our merchants in the Spanish ports laboured under a duty which amounted almost to a prohibition. Murat, when he was sovereign of Naples, levied a duty on the fish imported into his states, for the purpose of ransoming slaves in Algiers; the present king of Naples, though placed there by our arms, had increased that duty. So that our merchants had not only to cope with the French bounty, but with the Spanish and Neapolitan duties. It was for the House to say, whether for the sake of any temporary circumstances like these they would give up the trade altogether, which the merchants said they could not possibly continue without assistance. The trade employed not less than 6,000 seamen; and 800 vessels went out to Newfoundland every year. He should merely move at present, that the report be now taken into consideration; but it was his intention afterwards to move in a committee of the whole House, to take into consideration the propriety of granting 2*s.* a quintal bounty on all fish caught and cured in the island of Newfoundland.

Mr. *Robinson* said, that when a case of great distress was laid before the House, it was not a very agreeable task to object to any specific proposition for relieving it. But, he should ill discharge his duty, if he did not state to the House the grounds on which he considered this proposition to be an ill advised one. The hon. gentleman only recommended a bounty to be given for one year. The merchants did not want the bounty for one year, they wanted it for a term co-existent with the duration of the French bounty; and they wanted the removal of at least 15 or 20,000 persons. But where were these persons to be sent to? The far greater part of them came from Ireland. But there were cases of distress in Ireland at this moment infinitely beyond any thing that had been reported of Newfoundland. Were they to be sent home to Ireland, to be supported there, God knows how? Were they to be sent to Canada and Nova Scotia? The harvest was very bad there last year; and it would only be aggravating the distress in Canada to send them there. Government were asked to do in this case more than perhaps it would have been wise to undertake. If the merchants moved 1,000 of the people to Canada, government agreed to find subsistence for them there for one year, and to give them lands to settle on. But the merchants rejected this offer as a perfect joke, and refused to listen to any proposition by government, unless they would go the length of the bounty co-existent with the French bounty, and remove 15 or 20,000 of the population. The trade was of so fluctuating a nature, that one year on a capital of 60,000*l.* a profit of 22,000*l.* was made, and another year a loss was experienced of 20,000*l.* During last war, the trade acquired an artificial prosperity, and if they attempted to support it by means of bounties, the evil would be aggravated two-fold. This would only have the effect of increasing the population. Under these circumstances he could not consent to the motion.

Mr. *W. Douglas* was favourable to the motion. The distressed people must have employment if possible, otherwise they must be left to starve.

Mr. *Canning*, although he admitted, to as great an extent as any one, the wisdom of the generally received principles of political economy regarding bounties, thought there were grounds laid in the report sufficient to warrant a slight departure from them in this instance. He did not think that we should enter into a contest with France in a line of promoting commerce by means confessedly impolitic; but he confessed that, in his opinion, the report had made out sufficient grounds for granting assistance for one year, at least to those engaged in this trade.

Mr. *Newman* would support a grant to these sufferers, but he thought relief in the shape of a bounty was not the most eligible course.

Mr. *Protheroe* said, that a strong case of distress and threatened famine was made out; and if ministers, after being warned of the evils that might ensue, took no means to guard against them, and to protect these unhappy people from starvation, they would incur a heavy responsibility.

Mr. *F. Lewis* was aware that the question here could properly be nothing but one of humanity, and he could not but regret that it was attempted to be introduced under the protection of some mistaken principles of political economy that were now universally exploded. The method in which the relief sought was to be applied, was by giving a bounty to encourage the trade—a policy now universally condemned. If the question was purely one of humanity, it should have been stated as such; and then the only inquiry that it would have led to was, what was the number and the distress of the sufferers, and what sum of money, or quantity of goods, would afford the necessary relief? It was stated, that if we did not support this trade by a bounty, we should be deprived of it; but if it could not support itself otherwise than by a bounty, it must be a losing concern, and the sooner we lost it the better. Then there was the argument about its being a nursery for seamen, an argument that had borne on its back the impolitic regulations of centuries, and that was always at hand to sanction every unwise measure proposed for extending our commerce. All kinds of trade were nurseries and consumers of seamen as well as this, and the same argument might be brought for giving bounties, if necessary, to our West and East India trade. The real ground on which this application could be defended was that of humanity; and the only question was, could this country, so much oppressed with taxation, pay taxes for supporting the population of Newfoundland; and was government the only source from which relief to that island could be administered? He could not answer to the affirmative of this question; and he thought if relief was to be afforded it should come from the voluntary contribution of benevolence, and not from the resources of the government. If a subscription were proposed, he was sure that the merchants, and other benevolent individuals, would come forward, as they had done on other occasions, to the assistance of the sufferers; but he could not agree to raise taxes on this distressed country, to remove distress at a distance.

The *Chancellor of the Exchequer* agreed, that this question was purely one of humanity; aud that the only thing to be considered was, what relief could be granted, and how the grant could be most beneficially applied. He did not think that relief should be administered in the way of bounty to the trade, as much more direct methods of applying any assistance to the suffering inhabitants easily occurred. He had heard it stated, that government was obliged to support the people of that colony. But government did not encourage their emigration, and could not be accountable for their fate. Every mode of relieving their sufferings, however, would be resorted to. government had already extended relief to the sufferers by the fire of St. John's; and was still disposed to make farther exertions, as soon as they knew, from local suggestions, how much farther assistance would be necessary, or how it could be best applied. The dangers of famine were said to threaten the population of Newfoundland, but he believed that might be warded off by the abundance of fish which they could command. He objected to the bounty, as its effects would be only to enable other nations, who imposed a duty on our imported fish, to increase that duty, and thus make the people of this country pay their taxes.

Mr. *Baring* thought that, in case of such distress, our finances were not so exhausted as to prevent us from extending relief, if only 65,000*l.* was the sum demanded. In the principles of political economy which had been stated, he perfectly concurred, and rejoiced to see that the commerce of the country, after being so long subjected to impolitic regulations, was now likely to be governed on wiser and more liberal maxims. He was of opinion that no trade that could not support itself should be encouraged by a bounty: but if there was to be any exception, this was a proper case for making it. The Newfoundland trade, more than ony other, was connected with our naval power, from its being a nursery for hardy and adventurous seamen.

The House divided: Ayes, 29; Noes, 50.

HOUSE OF COMMONS.

Friday, July 4.

Alehouses Licences Bill.] Mr. Bennet having moved the farther consideration of the report of this bill, Mr. S. Wortley proposed that it should be postponed till next session, as there was no possible chance that it could meet with a fair discussion this year.

Mr. *Bennet* said, that from the sort of interested opposition which had been raised against this measure by many persons in the House, as well as by brewers and others out of doors, he had not the smallest hope of being able to carry through the measure this session, but he anxiously wished, before the recess, that this subject should have been fully discussed, that the country might have seen what sort of arguments could be urged against it. For his own part, he should put in his protest, in the name of the morals of the people of England, against the opposition which had been made to any attempt to ameliorate a system which contained more seeds of corruption and was more fatal to the good habits of the people than any which had yet prevailed in any civilized country.

The report was ordered to be taken into consideration that day three months.

HOUSE OF LORDS.

Monday, July 7.

SIR F. BURDETT *v.* THE SPEAKER AND SERJEANT OF THE HOUSE OF COMMONS.] This was a writ of error brought by sir F. Burdett, to reverse the judgment of the court of King's-bench, which was in favour of the Speaker. The case was argued last week by Mr. Brougham and Mr. Courtenay, for the Plaintiff in error, and it stood over till this day.

The *Lord Chancellor* said, that before their lordships proceeded farther, it would be proper to take the opinion of the Judges on the following question:—Whether, if the court of Common Pleas had adjudged that a person should be committed for a contempt, and the warrant stated that adjudication generally without setting forth the particular circumstances, and the case had been brought before the court of King's-bench by Habeas Corpus, and the return stated the warrant of commitment for contempt, whether, in such a case, the court of King's-bench would liberate the prisoner on the ground that the particular circumstances were not set forth in the warrant.

The question was accordingly put to the Judges, and they having consulted together for a few minutes, the lord chief baron delivered their unanimous opinion, that in such a case, the court of King's-bench would not liberate.

The *Lord Chancellor* then observed, that this was an important but not a difficult case. If he had thought it difficult, or had any doubt about it, he would have been anxious to hear the counsel for the defendants: but being clearly of opinion that the House of Commons had the power of committing for contempt—that this was a commitment for contempt—that the contempt, if that was necessary, was sufficiently set forth in the warrant—and that the objections in point of form had not been sustained; unless any other noble lord stated it to be his wish to hear the council for the defendants, he would move that the Judgment of the Court below be affirmed.

Lord *Erskine* said, that as he concurred in the motion, it would have been quite unnecessary in almost any other case, to add any thing to the formal proposition of affirmance, by his noble friend who presided in the House; but from what had formerly passed when the imprisonment of the plaintiff in error took place, he felt it incumbent upon him to say a very few words. At that time, it was an opinion expressed by persons of great weight in the House of Commons, and it was generally thought to have been its settled intention, not to permit any action to be proceeded in so as to have its privileges at all questioned or canvassed in a court of law, and that imprisonment would attach upon all who should issue process, or countenance it in judgment. Having felt the utmost alarm at a proposition so dangerous to the liberty of the subject. He had expressed himself on that occasion with more warmth than was thought right by some whose opinions he valued most highly; but, for his own part, he repented of none of it, and under the same circumstances would repeat it again, and stand by every word of it. No man could respect or uphold more than he did the high privileges of that House, so essentially necessary for the security of public liberty, and whilst the Commons were advancing amidst many obstacles to its just station in the constitution, now so happily and securely attained, it was no wonder that they were jealous of their privileges which often led them into excesses unnecessary for their preservation, and inconsistent with the security of our legal constitution, as they had imprisoned persons for only appealing to the laws of their country for their deliverance. He could not, therefore, help expressing his heartfelt satisfaction at the course which, in the present instance, had been pursued. The speaker, though standing perhaps in a situation which might have differed in argument from that of inferior persons, (though upon that he would give no opinion), had put in his plea like the most private man. He had not objected to the jurisdiction of the court of King's-bench, but had put himself upon the country for the fact, and pleaded his justification to the judges of the law; so that if the court had decided against him, he must have been bound by the judgment, and the House of Commons also, which had authorized that proceeding. This was no waver of privilege, but an act which gave it double security and lustre; as the privileges of parliament were part of the law of the land, and would always be duly maintained in the courts of justice. The House of Lords, though possessing, as a branch of the legislature, the very same privileges as the House of Commons, thought it no derogation of them, to ask the assistance of the learned Judges now on the woolsacks, although their lordships were not at all bound to consult them even when deciding upon a writ of error in an ordinary case. The matter had been argued with equal ability and propriety, and every objection had been taken which could support the plaintiff's claim; but if, instead of its being] a commitment by the House of Commons, it had only been that of one of the superior courts of law, he should have given the same opinion; as he could not agree that the Commons had any higher privileges of commitment for contempt than that which was necessarily possessed by the superior courts for their own protection, and that of the people whom they protected. It had been contended, that the plea did not contain a sufficient allegation that the plaintiff in error had authorized the printing of a libel upon the House of Commons as a paper might reflect upon it without its being an injurious reflection; but the record stated that it was "a libellous and scandalous paper reflecting upon the just privileges of the House;" No averment could be more distinct. It had also been contended that the plaintiff in error had only admitted this paper to have been printed by his authority, and not the publication; but the record stated, that it was printed in Cobbett's Weekly Register; and if I authorize what I send to such a paper to be printed, I, of course, consent that it shall be published. Taking it, then, to have been published by his authority, the learned judges had just given their unanimous opinion, that such a general statement of a contempt would be sufficient to support a commitment of the court of common pleas, and that the King's-bench, though a superior court would upon a Habeas Corpus, adjudge it to be sufficient, and would not discharge the party. Now, to apply this to the case before the House. It had been properly conceded in argument by the learned counsel at the bar, and admitted in their printed reasons, that the courts of law could not deliver a person committed by the House of Commons, whilst it continued sitting; but they contended, that the validity of the same warrant which would hold the party when returned to a Habeas Corpus, might nevertheless be declared to be illegal in an action; but such a proposition could in no way be supported. A Habeas Corpus was the highest writ in the law, and the cause of commitment must surely demand the same precision under a return to it, as could be required in any form of pleading by way of justification in an action; and, indeed, the process of contempt by the superior courts could never at all be executed unless it were held sufficient for all who carried it into execution to justify by their pleas in the language of the warrant since what other authority could they possibly produce in their defence. Though if this were so, and of that he entertained no doubt, it embraced the whole case, and concluded it, since the judgment of the House must have been precisely the same, if the record now before it had stated a commitment of the court of common pleas for a contempt instead of the House of Commons, for a breach of privilege. He only repeated this to assign clearly the reason of his opinion, as he never could agree that the Houses of parliament had any higher or larger privilege of commitment than that which necessarily belonged to the superior courts. He would trouble their lordships no farther. He always felt more than he could express when the legal jurisdictions of the country were in question, as he was sure that if they were overborne the sun of British freedom would set for ever.

The counsel were then called in, and informed, that the House did not think it necessary to hear the counsel for the defendants; and the judgment of the court below was, without farther proceedings, affirmed.

HOUSE OF COMMONS.

Monday, July 7.

Steam Vessels Regulation Bill.] Mr. *Harvey* said, that the report from the committee on the late accidents in Steam Vessels, had proved that these conveyances would always be liable to similar accidents, if not subjected to regulations. The accident at Norwich, which had occasioned the death of eleven persons, had been shown to have originated in the bad construction of the boiler, and the obstinacy of a person who persisted in loading the safety valve. Under proper regulations he believed it was practicable to construct them in such a manner that no possible accident could occur. In the bill for which he should move, it was intended to provide, that every steam boat should be registered, and that no such boat should be permitted to carry passengers till it was certified by an engineer, that the boiler was of wrought iron, and provided with such safety valves as experience had shown to be necessary. The hon. member then moved for leave to bring in a bill for the better regulation of steam vessels, which was granted. The bill was brought in and read a first time.—On the following day, it was read a second time, committed, reported, and ordered to be taken into farther consideration that day three months.

EDUCATION OF THE POOR.] Mr. *Brougham* brought up the report of the committee on the Education of the Poor. He said, that the report contained a description of many enormous abuses attending the management and application of charitable funds. One instance he had mentioned on a former occasion, which was that of a rector, who was principal of a school, with a salary of 1,500*l.* per annum, and who assigned the whole to his brother, another clergyman. The latter not choosing to perform the duties of the office, made a journeyman carpenter the schoolmaster, with an allowance of 40*l.* a-year. This small sum was, however, so much grudged by the rev. gentleman, that the irregular payment of it led to the knowledge of the whole transaction. There was another instance of a school, in the north of England, with an endowment for the master of 400*l.* a-year, in which there was but one scholar. Had the powers of the committee been less limited, many similar cases would probably have fallen under their notice. The reason of the committee proposing no immediate legislative measure was, that it appeared to them that the objects of their inquiry would be best intrusted to a parliamentary commission, composed of persons whose abilities fitted them for the undertaking, and who would be enabled to visit different parts of the country. The expense of this commission need be but small, and might be defrayed by a small per centage on the money recovered by their exertions.

Mr. Serjeant *Onslow* bore testimony to the zeal, knowledge, and indefatigable exertions manifested by his hon. and learned friend in the production of this report. He was sure that the subject could not be in better hands, and he had only to wish that the inquiries of the committee might be extended to the state of education amongst the lower classes, and to the state of all endowed institutions whatever.

POLICE OF THE METROPOLIS.] Mr. *Bennet* presented another report of the committee on the Police of the Metropolis. The committee he stated, had made great progress in the discharge of the duty committed to it, though a considerable part of it still remained unfinished. The committee had classified its labours under different heads. The first of those was, the system of licencing public houses, its opinions on which were already before the House. The report which he had now to present related to the system of rewards on convictions, commonly called blood-money; to the increase of juvenile delinquency, and the transportation system. As to the system of rewards, or blood-money, the witnesses had been unanimously of opinion that it ought to be abolished; instances had been adduced in which persons had forsworn themselves for the sake of the rewards. In the last year there had been three trials for conspiracies to produce convictions for the sake of the rewards; and to show the extent to which the system of obtaining these rewards had gone, it was stated that officers had made a practice of swearing persons to be vagrants, for the parliamentary reward of 10*s.* each, and it was so easy a way of getting money, that some of them doubted whether it was not better than catching felons.—As to the increase of juvenile delinquency, he should state a few facts. In 1813, there were committed to Newgate 62 boys under 16 years of age, of whom one was 6 years of age, 3 of 10 years, and 3 of 11 years. In 1814, 98 boys under 16 were committed; 4 of them of 9 years, 8 of them of 10 years, and 12 of them of 11 years of age. In 1815, 98 boys under 16 were committed; and in 1816, 146 of the same age. In 1816, there were committed 1,683 persons under 20; of these 1,281 were of 17 and under, and 957 of those of 17 years of age and under were committed for felonies. From the 25th of August 1814, to October 1816, 200 boys had been in custody. Of these 23 had been in custody for the first offence; one aged 16 had been 40 times in custody, and another had been 80 times in custody; and 170 of them had been from 3 and 4 to 20 times in custody, for different offences. Of these 200, there were convicted 141; 26 of them capitally, the youngest of these was 9½ years old; 42 were transported, the youngest of whom was 11; and 73 were imprisoned for different terms. Of these 200, two-thirds were under 14 and down to 8 years of age. The remaining one-third were from 14 to 17 years of age. Of these 200 miserable beings, two-thirds could neither read nor write.—On the subject of transportation, it appeared that since 1812, 4,659 persons had been transported to Botany Bay, of whom 3,978 were males and 681 females. Of these, 1,116 were under 21; of whom 5 were of 11 years, 7 of 12 years, 17 of 13 years, 32 of 14 years, and 65 of 15 years of age. Of the 4,659 persons, 2,055 were transported for life, 726 for 14 years, and 1,916 for 7 years. Of 2,038 who were on board the hulks in 1815, there were 111 under 20 years of age, amongst whom one was of 11, two of 12, and 4 of 14 years of age. The expenses of New South Wales from 1798 to 1813, were 2,435,325*l.* The hulks in the same period had occasioned an expense of 948,613*l.*, and had increased from 30 or 40,000*l.* to 93,695*l.* which it was in 1813. The total expense of the two establishments in the fifteen years were 3,383,938*l.* or 225,588*l.* a-year. Though the expense of this system of punishment was so great, it answered no good purpose, and moreover occasioned great injustice, and an increase of punishment never contemplated by the judges who passed sentence. The persons who were transported for seven years had no means of returning, and their punishment was thus equivalent to transportation for life. Women who wished to return to England, prostituted themselves to obtain a passage, and those who did return were not at all improved in morals or habits. He hoped, during the recess, that members would turn their attention to this important subject.

Sir *S. Romilly* hoped that the important matters contained in the report would receive the serious consideration of the House. It would be a reproach to parliament if some steps were not taken to remedy the abuses which had been pointed out. As to the subject of transportation, it should be remarked how large a proportion of the persons transported were for seven years. Many of these were transported when a large portion of their term had expired. Thus, to the term of their punishment was added the whole time which must elapse before they were able to obtain a passage in return to this country. On these subjects, and on the increase of young offenders—the conspiracies to recover rewards—the public-houses, the notorious resorts of thieves—known as such by the police-officers, but not known (for so it appeared) to the magistrates, the House was called on to adopt some effectual measure, as there was no subject more important to the morals of the whole country than the police of the metropolis.

Mr. *Butterworth* bore testimony to the extraordinary zeal and diligence evinced by the hon. chairman of the committee who was entitled to the thanks of the country at large. He hoped the subjects of the report would be taken up in another session. An instance had come to his knowledge, in which, for the purpose of obtaining the parliamentary reward of 80*l.* police-officers had paid counsel to prosecute persons who had entered into a squabble in the street without any malicious motives.

MAYNOOTH COLLEGE.] Sir *H. Parnell* rose to move for certain papers, relative to the courses of education pursued at the College of Maynooth. He felt it his duty to move for these papers, in consequence of some observations upon this college, contained in a note in a printed speech of an hon. member (Mr. J. L. Foster) and also in order to have an opportunity of refuting, in the most public manner, many charges, which had of late been brought against the Catholics, and those who advocate their cause in parliament, in other printed speeches of members of both Houses, and in many other publications. It was the more necessary to take this step before the session closed, because the perseverance and activity with which it was attempted to revive exploded calumnies against the Catholics and their religion, if suffered to remain unnoticed, would, no doubt, contribute very much to establish much erroneous opinion respecting them, and so far to defeat the object which every true friend of this country ought to have the most at heart, namely, the complete union of all religious sects in one common cause, for the support and preservation of the laws and constitution.—The charge brought against the college of Maynooth by the hon. member (Mr. Foster) was, that doctrines peculiar to Papal Rome, inconsistent with the legitimate and necessary authority of government, were still taught at this college—that the transalpine doctrine had but two spots in Europe on which it could rest its foot—one of these spots the Vatican—the other, Maynooth. It was unnecessary to remind the House, that this doctrine was no other than that by which the pope was, in ancient times, supposed to claim a temporal authority in all Catholic countries. But, with every respect for the hon. member, who had published to the world that this doctrine was still taught at Maynooth, he must say, that a statement more entirely destitute of foundation never was made. There was no Catholic in Ireland who did not willingly abjure this doctrine, of the temporal authority of the pope, upon every occasion on which the law required him to do so, in order to qualify himself for the exercise of any civil privilege. How, then, was it to be supposed, that those Catholics, who were the teachers at this college would surreptitiously teach a doctrine which they publicly declared not to be a true doctrine of the Catholic church? It was sufficient merely to mention the names of some of the persons who had been presidents of this college, to refute any such notion. The rev. Dr. Everard, and the rev. Dr. Murray, the Catholic prelates who had attended the discussion of the Catholic Question this session, had both been presidents of it, and no one the least acquainted with them could say, that they were advocates of the transalpine doctrine. It was made a matter of complaint, that there exists no means of ascertaining what the course of studies is at the college of Maynooth, but without reason, for the papers which were presented to this House in 1813, the report of an hon. baronet, on the foreign Catholic regulations of last session, contain a copy of a letter from the president of the college of Maynooth to the Irish government, giving a full account of all the books and lectures which were then made use of in that college, so that there exists no ground of complaint whatever in respect to any suppression of the truth, in regard to the principles and doctrines in which the students at this college received their education. In another part of the same publication it is endeavoured to be shown, that Catholicism in Ireland possesses a character peculiar to itself, or a nature extremely hostile to the state. It is said, that the part of Europe in which the pope possesses the most political authority is Ireland. This is a statement so likely to promote erroneous opinions, that some examination of it is absolutely necessary, to ascertain the degree of credit which belongs to it. The reasoning with which it is sustained is, that the pope possesses an unlimited power over the Irish bishops—the Irish bishops the same kind of power over the Catholic clergy—and the Catholic clergy an unbounded authority over their flocks. But it is wholly omitted to be shown in what manner the pope has so great a power over the Irish bishops, it does not appear, that they maintain any regular correspondence with the see of Rome—that they ever receive any order from the pope—that they acknowledge his infallibility, or his possessing any temporal power—or that they either have obeyed him, or are likely to obey him if he endeavoured to make them do any thing which was inconsistent with their duty as good clergymen or good subjects. In point of fact, so far from their statement being correct, if there exists one Catholic church in Europe more independent than another, it is the Catholic church of Ireland; and the truth is, that no communication scarcely ever takes place between the bishops and the pope, except for the purpose of obtaining canonical institution for a newly elected bishop. This arises from the circumstance, that the discipline of the Irish church renders every bishop wholly independent of the pope in the tenure of his office, and gives him every necessary power for the administration of the duties of it. It would be sufficient merely to refer to the statement of the resistance which the bishops made to the celebrated rescript of M. Quarantotti to show, that there was no foundation for the assertion, that the political power of the pope was greater in Ireland than in any other country. In respect to the authority which the clergy possess over the people, it was a very great mistake to suppose that this was owing wholly to the character of the Catholic religion, and not to a proper religious feeling on the part of the people and a correct discharge of duty on the part of the clergy. The Irish people were much too intelligent, and much too high-minded, to yield a servile obedience to a mere name, and to a false and fictitious authority. They obeyed their clergy because their clergy in the first instance succeeded in instilling among them a proper notion of religion, and of their duty as good christians, and the clergy held their authority only by showing by their conduct and their precepts, that the principles of the religion which they taught, were deserving of being respected and obeyed. This obedience on the part of the people to their clergy, instead of being complained of, as it was so frequently, as a source of danger to the state, ought to be approved of as the best possible symptom of the good conduct of the people, and as the basis of every good quality which can belong to a christian or a good subject. So far was this authority of the clergy from being in any manner injurious to the state, it was the only support the state received in Ireland, in promoting good order and obedience to the laws among the lower orders of the Catholics; and, therefore, instead of being held up as an object of terror and regret, it should be encouraged and protected. In corroboration of this opinion, it is very well known, that all those persons who take a lead in the disturbances which prevail in Ireland, commence their career by resisting the authority of their clergy, and that if their progress in life is inquired into, it will uniformly be found that their first sins have been against their religion and their clergy. It is further asserted, in various publications, that the Catholic clergy of Ireland inculcate habits and opinions inconsistent with the legitimate and necessary authority of government; but in this instance, as in others, these publications omit to support their statement by any reference to facts. If it was examined into what the conduct of the Irish Catholic clergy had been, during a very long period of years, it would be found, that a different opinion ought to be formed concerning them. The rebellions of 1715, 1745, and 1798, were occasions on which their principles were fully put to the test —yet on each of these occasions they exercised their whole influence in support of the law and the established Protestant government. It was impossible for any one the least acquainted with Ireland, to deny that their efforts are incessant in all quarters and at all times in teaching obedience to the laws; and that their conduct in the faithful and laborious discharge of their duties, was not only most praise-worthy, but formed an example which others would do well to imitate, who are not the least forward in misrepresenting and calumniating them.—A further charge had been brought against the Irish clergy for having declared that they could not consent to the Catholic bill of 1813 without incurring the guilt of schism; but this was evidently made under a misapprehension of the state of the case, for this guilt of schism did not consist in approving of any thing contained in the bill; but in giving any approbation to a change in the church discipline without the concurrence of the pope. Many other charges had been brought in various other ways against the Irish Catholic clergy, and amongst these, there was one for opposing the education of the lower order and the circulating of the Bible among them. In order to meet this, the hon. member read extracts from a publication of the Hibernian school society. — The reports of the commissioners of education had been referred to in order to show that the education, which was afforded by Catholic schools to Catholics, was a "supply of moral poison," in consequence of the want of a supply of proper religious works. To answer this, he would read an extract from a statement of the annual sale of one Catholic bookseller in Dublin, of cheap religious tracts, 20,000, intituled The Path to Paradise, price 8*d.* —6,000 of the same by Dr. Challoner, price 1*s.* 8*d.*—2,000 The Garden of the Soul, price 1*s.* 8*d.*—500,000 of Dr. Butler's Catechism, four sizes, from 1*d.* to 4*d.* This work was drawn up for the express purpose of teaching to Catholics their civil and social, as well as religious duties—2,000 Gaban's History of the Old and New Testament, 2*s.* 2*d.*—1,500 Reeve's ditto, 6*s.* 6*d.*—3,000 Catholic Church Hymns, 3*d.*—2,000 Douay New Testament—4,000 Dr. Gahan's Catholic Piety, 1*s.* 8*d.*—10,000 small Religious Tracts, from 6*d.* to 8*d.* each, besides many others. So great was the demand for the New Testament in Dublin, that there were no less than four different editions of it printed by the four principal Catholic booksellers. So much had been repeatedly said on the subject of the Catholic religion prohibiting the reading of the Bible, that it had become a matter deserving of some inquiry, what the true state of the case was; and how it stood, the following account of the several Catholic editions of it would satisfactorily explain. No less than six different editions of the bible had been printed by the Catholics in England and Ireland, in the last fifty years, of which a continual succession of new editions had been sent from the press. Of the New Testament, besides those printed in Dublin, seven other editions of it have been printed in England and Scotland—one of the last is a stereotype cheap edition, in the notes of which the greatest care has been taken to omit every expression that could, in any degree keep alive the spirit of controversy between the Catholic and Protestant religion. In France, there are no less than eleven different translations of the Bible into French. There also are translations of the Bible into Italian, Spanish, and Portuguese languages, and into the language of every Catholic country in Europe. So that upon the whole it is quite evident, that nothing can be more unfounded than the common opinion, that Catholics are not permitted to read the Bible. That some circumstances of authority have occurred to assist in giving rise to that erroneous opinion, cannot be denied; but these may be shown to have a different meaning to that which is commonly affixed to them. Among them is the Pope's bull, concerning Bible Societies in Poland. But it is evident on reading this bull, that the object was, in all probability, not to prevent the circulation of the Bible among the Catholics of Poland, but to stop an effort which was making by persons acting under the name of the Bible Society, to convert the Catholic Poles to the Protestant religion. That this was the case would be very easily intelligible to those who were acquainted with the proceedings of some Bible societies in Ireland, of which the leading persons were particularly eminent for their exertions to make converts from the Catholic religion. In one publication it is stated, that a regular establishment of Jesuits has lately been formed in the county Kildare. The short answer to be given to this statement is, that it was a complete misrepresentation of the real state of the case:—a school had been opened in the county Kildare, by a person who had been educated and bred up in a seminary of Jesuits in Sicily, but, his school did not belong to the order of Jesuits, nor did he teach any thing that was not taught in all other schools.—There was another circumstance relating to Catholic doctrines which it was right to notice, it was to be found in a letter from the bishop of Ossory to the Editor of "The Courier" newspaper, written for the purpose of explaining a passage of a speech which had been incorrectly reported in that paper. The right rev. prelate says, that what he had really stated was "that a few days prior to the inauguration of the king of the Netherlands, a sort of Pastoral Letter, signed by the archbishops of Malines, and by all his suffragan bishops, except two, was thrust under the doors of the shopkeepers of Brussels, telling the Catholics, that no good Catholic could take the oath of allegiance to a Protestant sovereign." Now, it appears by the Brussels Gazette, that the king of the Netherlands was on the very best terms with his Catholic bishops, for that, on the 9th of May, having gone to Tournay, he slept at the bishops palace, and, upon his departure, made a speech, in answer to an address which had been presented to him, in which he said, "I am perfectly well satisfied with the conduct of your clergy; there remains still some slight difference to be settled between my government and the see of Rome; but I have good reason to think, that the negociations now on foot, will bring them to a satisfactory termination." And by a subsequent Gazette it appears, that a concordat has been signed, and that all disputes have been amicably settled between these two powers. The only inference to be drawn from this statement is, either that some ill disposed persons had fabricated this pastoral letter, or that the bishop of Ossory had been imposed upon, by the person who gave him his information; for, surely, it is impossible that the king should have expressed himself in the manner he did to the bishop of Tournay, if such a pastoral letter had ever been circulated by the archbishop of Malines.—He hoped he had succeeded in convincing the House, that the transalpine doctrine was not taught at the college of Maynooth — that the political power of the pope was not greater in Ireland than in any other country in Europe —that the influence which was possessed by the Catholic clergy was not exercised to any bad purpose—that the priests were not hostile to the circulation of the Bible, and the extending of education among the lower orders— that, in short, there was nothing in the Catholic religion which rendered a person who professed it less fit to be a good subject, or less qualified than his Protestant fellow countrymen to deserve and enjoy all the civil privileges of the constitution.—He then moved, "That there should be laid before the House, copies or extracts of any communication received from the college of Maynooth, respecting the courses of education pursued in that college since the last return made on the 23rd of April, 1813."

Sir *J. C. Hippisley* seconded the motion; and, observing, that the subject was one of the greatest importance to the interests of the empire at large, he lamented the absence of the noble secretary of state, of the right hon. the secretary of Ireland, of the hon. member for Yarmouth, and above all, the incalculable loss of one removed from them by the high dispensations of Providence (Mr. Ponsonby), whose eulogy he would not attempt to pronounce, but whose fate he might be permitted to deplore. The question was not, whether they should grant 9,000*l.* a year to the college of Maynooth, or whether they should increase it by 3 or 4,000*l* more, and thereby raise it to what it had enjoyed under the administration of the noble duke then at the head of the Irish government. The subject to be discussed was of far more consequence, for it referred to the religious and moral education of the people, and involved their own happiness and the safety of the empire. Sir J. H. then answered the call upon him to ascertain what was to be understood by Transalpine doctrines, stated to be maintained at Maynooth. The infallibility of the Pope constituted the first principle, and from thence flowed her superiority over general councils, and the assumption of a supremacy in temporals as well as spirituals; but it was not to be understood as the generally maintained doctrine, even at the Vatican; a more liberal and rational code prevailed there. Individual and powerful pontiffs, such as Gregory the 7th, and many of his predecessors, had asserted these arrogant principles, but their adherents were now but few; nevertheless, they were to be guarded against, and there was scarcely a state in Europe of whatever religious communion, but had so guarded itself against their contagion. He had given notice of a motion for the production of the concordat between the court of Portugal and the see of Rome, and he should now shortly state his motion, as it was not unconnected with the object of the present question. In one of many publications, adverting to the late report of the select committee on Catholic regulation, a charge had been made of withholding this document, which, in fact, was only an agreement between Portugal and Rome, to divide the patronage of the benefices falling vacant in the papal months of patronage. It appeared, by the printed letter of sir Charles Stuart, that it had been sent by him to the foreign office; but, as it was not deemed of sufficient importance to be printed, an implied charge was raised on the omission.—The hon. baronet then proceeded to the work of Mr. Gandolphy, a work which had been stated as approved by the official authorities of Rome, and licensed as such. Well might it attract the observation and denunciation of those hon. members who noticed it. Nothing could be more insulting to the establishment, and the government of the country. The hon. baronet then read a passage, in which Protestants were charged with intentionally debauching the morals of their own children, if they suspected them inclined to lend an ear to Catholic teachers. Fortunately, however, for the Catholics and for the public, though Mr. Gandolphy's works had furtively obtained the official imprimatur of Rome, he now stood censured by the same authority, and was ordered to suppress his books, and make a formal and public recantation of his errors to his immediate superior, the apostolic vicar of his district. Such was the fate of Mr. Gandolphy's works—at one moment declared fit to be enclosed in cedar and gold—at the next doomed to censure and abrogation.—But to return to the immediate subject of the motion. He begged to call the attention of the House to the documents which had been moved for some years since. Nothing could be more opposed to Transalpine opinions. The course of education was precisely conformable to the principles of the Gallican church, and the courses of the Sorbonne, where Dr. De la Hogue had been himself a professor. Under such a visitorial power as maintained at Maynooth, it was scarcely possible, that the exploded Transalpine doctrines could be suffered to be taught. The lord chancellor, the chief justices, lord Fingal, and other highly accredited and loyal persons constituted the visitors; and he had had the satisfaction of receiving within a few days from lord Fingal, the full confirmation of the rectitude of their courses, as conformable to the tracts which had been laid before the House. From professor De la Hogue, he had also received a letter complaining of the imputation in the printed speech of the hon. member for Yarmouth, and after particularising the courses, he exclaims, "Is this to teach Transalpine doctrines?" He referred also in the same letter to the fact of the hon. baronet's having, in a former debate, led Mr. Perceval to a confession that he had not made a due distinction between the construction of decrees of doctrine and discipline, as the former were held to be immutable, and discipline might change and be adapted to times and circumstances. He then stated, as an instance, the discipline of the council of Trent respecting marriages, which had been adopted by the church of England; it nevertheless was not received or acted upon in six of the principal dioceses of Ireland, including Dublin, nor could, therefore, all decrees of general councils be held to be generally obligatory. The hon. baronet then adverted to the report of the aggregate meeting of Dublin, on the 4th instant, in which they persisted in their former resolution, adverse to the interference of the Crown, and supporting domestic nomination. A vote of thanks to Mr. Hayes also was referred to the consideration of the board—to Mr. Hayes the delegate of the aggregate meeting to the see of Rome—to a person distinguished by the insolence of his attacks upon the constitution of his country, upon its government, and even upon the principal functionary of the Roman government, the cardinal secretary of state—to a person who, on being admitted to the Pope to receive his benediction, was dismissed with the pontifical reproval of "Depart, rash man!" It was worth noticing that this father, delegate Hayes, loudly demanded associates in his embassy, or the whole would be lost. Dr. Dromgoole, well known by his speeches and writings, and a Mr. M'Gawley, a brother of a count of that name, attached to the ex-empress of France, was another associate. Sir J. C. H. here read from a Dublin paper, an extract of a letter from Dr. Dromgoole, suggesting how necessary it was for Rome to be on its guard against the government of England—in a word, of most mischievous import, and which merited the reprobation of every loyal subject. Of such materials were the accredited delegates of the aggregate meetings of Ireland composed! Of the same complexion was a work which had been presented to the ministers of Rome, and stated to "be got nearly by heart by one of them"—the Statement of Penal Laws. It was sufficient to refer to the speech of the attorney-general, and the denunciation of the judge who tried an information against this book, to appreciate the value of the present, as coming from a British subject to a Roman minister.—Sir J. C. H. followed with a quotation from Mr. Clinch's Inquiry. The works of this gentleman had been presented to the ministers of the Pope: it was fair to Mr. Clinch, however, to state, that he was at issue with his patrons when he asserted, that "the protestantism of the Crown would, even in the case of the concession to the Catholic claims, remain as a land-mark to show that the concession has been a gift."—It had been argued that we had sedulously maintained securities for the Protestant church. If by Protestant church was meant the church of England, he would ask, where was the security in any test now required, to exclude Protestant dissenters of every denomination from sitting in parliament—or even the Mussulman, if a natural born subject? Sir J. C. H. regretted that, in all the discussions of this important subject, none had ever yet taken place that could be deemed satisfactory, either to the Protestant or the Catholic. No inquiry into the real tenets of Catholics of the present day had ever been instituted—a few set speeches annually closed the debate—no inquiry—no evidence whatever. Was it possible that such a course could be satisfactory? He then referred to a pamphlet circulated by Dr. Milner, naming himself the agent of the Irish bishops—an agency, however, which was strenuously denied by the bishops themselves, when recently on a mission to London. But Dr. Milner had great facilities of dispensing with the inaccuracies, to say the least, of his own statements. In this solemn address to the members of the House,—Dr. Milner was pleased coarsely to accuse sir J. H. with the wilful statement of an untruth. Sir J. H. read the original words of archbishop Egar's letter, which Dr. Milner attempted to fasten as a fabrication. He adverted also to this prelate's vacillations—at one moment the strenuous advocate of the Veto—at the next as strenuous an impugner of it. This gentleman was pleased also to represent sir J. H. as the candidate for office—at one moment for an embassy to Rome—at another for the Ministre de Culte. It is possible, observed the hon. baronet, that I may early revisit that clime to which this prelate alludes—unquestionably, however, unaccredited and unpaid. He should not be withheld from attempting to render such services to his country, as at a former period he had not unsuccessfully attempted, and to represent the real state of this important question to those whom it imports so much to be apprized of it, might, at such a crisis, be not unreasonably be considered as an act of some public benefit. He should at least not be deterred from the denunciations of such commentators. His walk over this thorny ground had been undeviating; nor should he now diverge from the course which, in his humble opinion, was traced on the soundest constitutional ground of justice and expediency.

Sir *G. Hill* rose, not to oppose the motion, but to complain of the unfair and disingenuous manner in which the hon. mover had undertaken to reply to the speech of his hon friend, the member for Yarmouth, during his absence. His hon. friend had attended sedulously to his business in parliament for a considerable period after the speech had been printed and published, and it would have been more candid had the hon. baronet replied to it while his hon. friend was present.

Mr. *Butterworth* apologized for offering a few observations, more especially as it could not be the desire of members, in the present state of the House, nor of himself, to prolong any debate upon the Catholic question; but there were some points in the speech of the hon. baronet, who had made the present motion, which he apprehended were so incorrect, that they might make a wrong impression if left without observation. Mr. B. did not rise to defend the printed speech of the hon. member for Yarmouth, who was most able to defend himself, but every one who knew that gentleman, must be persuaded, that his love of truth would never allow him to state in a speech, and much less in print, any facts, or to make any assertions, which he did not believe to be true; and that hon. gentleman's judgment and accuracy, were such as to render him very unlikely to make any incorrect statements. But Mr. B. rose, chiefly to notice some misrepresentations made by the hon. baronet, respecting the Hibernian schools, and the British and Foreign Bible societies. With regard to the former, the hon. baronet had described them as greatly countenanced by the Roman Catholic priests, of whom he had spoken in such high terms, as would insinuate that all their bigotry and intolerance were gone, and that they manifested nothing but candour and christian cordiality towards their protestant brethren. The hon. baronet had read some extracts of a work lately published by a member of the Hibernian society, to show the friendly disposition of some of the priests towards their schools; but he would beg leave also to read some extracts from the same work, which plainly showed, that although there might be a few candid priests who did not oppose these schools, yet there were many of a very opposite description; and having himself been a member of the committee of the Hibernian society, he could of his own knowledge state, that although these schools were instituted for the most benevolent purposes, not with a view of making proselytes, but simply to teach poor children the art of reading, and to give a little instruction to the most wretched part of the Irish population, yet they had in many instances met with the most determined hostility from the Roman Catholic priests. It was evidently the desire of the author of the work in question, to throw a veil over these hostile demonstrations, but they nevertheless made their appearance, and he begged to borrow the hon. baronet's book, to read a passage or two to the House.—Mr. B. here read two passages to the House. The book was an account of the chartered schools in Ireland, and of the schools established by the Hibernian society. The first is at p. 160, where it is stated, that "the Roman Catholic parents, have, in a multitude of instances, withdrawn their children from schools kept by Catholic masters, because of the superior education to be obtained in the society's schools; and this not unfrequently at the risk of the priests displeasure—of being refused confession, yea, of excommunication!" Now, this is no great specimen of the candour of the Roman Catholic priesthood in Ireland, when the refusal of confession, and the risk of excommunication, is incurred by parents, for sending their poor children to a charity school simply to learn to read. The next passage is at p. 216, where, speaking of the schools of the Hibernian society; it is stated, that "many have been the attempts, on the part of the Catholic clergy, to break up and disperse the schools; and I am sorry to say, that in not a few cases they have been successful. These hostilities have elevated many gratifying instances of true Irish independence of character. How often have the poor parents pleaded with the priest for permission to send their children to the society's schools, and in the face of the most arbitrary refusal, they have ventured to ask for a reason; but no reason, except his will, would be given. Often after a severe struggle between subjection to priestly domination, and an affectionate concern for their children's education, the latter has prevailed, and, braving all consequences, they have continued to send their children to the schools. Whilst I record these instances of hostility I am happy in being able to mention some very pleasing instances of the reverse of all this."—Now, said Mr. B., I submit to the House, whether the work which the hon. baronet has quoted, notwithstanding all its forbearance and desire to conciliate the Roman Catholics, bears him out in the high character for candour, which he has given of their priesthood in Ireland?—The hon. baronet has stated that the pope's late bull, which had been issued in Poland against the Bible, and Bible societies, was framed in consequence of attempts made in Poland, by the Bible society, to proselyte the Roman Catholics to the Protestant faith. Now, it unfortunately happened for the hon. baronet's argument, that the Polish Bible society was not in operation till after the pope's bull had been issued. There had been a disposition manifested by some of the nobility and gentry of Poland, to establish a Bible society, and a plan was drawn up, but it was suspended by the opposition made to it by the Roman Catholic primate of Poland, the archbishop of Gnezn, who, fearing that his opposition would be insufficient, wrote to Rome for instructions how to prevent or oppose the Bible society. The Pope's bull of June, 1816, was issued in consequence of this application, and it would have been effectual in preventing the formation of a Bible society in Poland, had not the emperor Alexander happened to be at Warsaw in October, when the friends of the Bible submitted the plan of the society, together with the Pope's bull, to his imperial majesty, who declared his intention of becoming a patron of the society; and it was publicly formed at Warsaw in consequence of the emperor's sanction, and in opposition to the pope's bull. The hon. baronet has stated, that the Polish Bible society, and the Irish Bible societies, were occupied in proselyting to the Protestant faith. Now, it is well known, that the Bible societies are not occupied in making any proselytes whatever. They merely circulate the word of God, leaving that word to speak for itself, and to find its own level in the mind of man. Their sole object is, not to proselyte, but to make both Protestants and Roman Catholics better christians. Mr. B. stated, that it was not any wish to create unfriendly feelings towards the Roman Catholics, that had induced him to make these observations, as he entertained a great regard for some individuals of that body, both of the clergy and laity; but as he knew that a strong spirit of intolerance towards Protestants existed in Ireland, and as he could state many facts to establish this assertion, he had felt it his duty to correct some mistatements in the hon. baronet's speech, which might otherwise have made an undue impression.

Mr. *V. Fitzgerald* presumed, that the object of the motion had been effected by the opportunity it presented the two hon. baronets of making their statements. He defended the conduct of the member for Yarmouth, who had, he firmly believed, been influenced by the most conscientious motives.

Sir *H. Parnell* said, that the topics on which he had animadverted were not contained in the speech which the hon. member had made in the Catholic debate, but in the notes which he had published with that speech. His object in referring to that speech at all was to show the grounds on which he called for information respecting the course of studies pursued at Maynooth. He begged to notice the unfair way in which an hon. member had selected passages from the book he had just quoted, tending to show that the Catholic clergy were hostile to the schools of the Hibernian society. For if the hon. member had read a whole page, instead of half a one, he would have found, that though they were at first, in some instances, hostile to them, they had ultimately become the warmest supporters of them.

The motion was agreed to.

HOUSE OF COMMONS.

Wednesday, July 9.

Mr. George Manners.] Mr. *Brougham* inquired of the noble lord opposite, whether the Mr. George Manners, whose appointment to be his majesty's consul to a foreign state had lately appeared in the Gazette, was the same George Manners who had been for some years, in London, the editor of the most slanderous and infamous publication in the land, "The Satirist:" who had stood on the floor of the King's-bench, and received the sentence of the court for a slanderous attack on a private individual?

Lord *Castlereagh* declared, that he had no knowledge that the individual in question had been subjected to any prosecution whatever.

Mr. *Brougham* could assure the noble lord, from his own knowledge, that if that George Manners was the same as the editor of "The Satirist," he had been tried and imprisoned for slander. He admitted, at the same time, that the said Manners had always been in favour of the noble lord, and had supported his politics.

SLAVE TRADE.] Mr. *Wilberforce*, in rising to bring forward the motion of which he had given notice, said, he felt gratified in standing before an audience who were but of one mind on this subject. His object was, by proposing an address to the Crown, to give weight to the exertions of the executive power in its negotiations with foreign states. He lamented to say, that in the instance of powers which had already declared their intention to abolish the Slave Trade, there were no appearances that they were disposed to carry that intention into effect; and that even subjects of some of the powers which had abolished the traffic were engaged in carrying it on. He was sorry to be obliged to state, that even under the flag of America, which, to its honor, was the first power which set the example of the abolition, the trade was carried on; and there was reason to suppose that American property and also American subjects were engaged in it. In the colonies which had been restored to France, the trade had also been carried on, though it was to be stated, to the honour of the French government, that a governor who had sanctioned, and perhaps to some extent participated in the traffic, had been turned out of his office. But at Goree and Senegal the trade had been carried on to a great extent; and as the native princes had not been in the practice of collecting slaves by war, they made up cargoes of their domestic slaves. In one instance only, on the gold coast, had he heard of the slave trade being carried on under the auspices of Holland; and he had heard of no charge of the sort against Denmark and Sweden. But the great evil, in comparison of which all others sunk into insignificance, was the trade as carried on by Portugal and Spain. And even the trade of Portugal, which confined its devastation to the north of the Line, was small compared with the ravages of the Spaniards. When he contemplated the whole conduct of Spain on the subject of the slave trade, he could not sufficiently express his wonder, that a great and high-minded and spirited people, which had made such efforts for its own liberation, should lend itself to the devastation and slavery of a whole continent. Till we abolished the slave trade we had been in the habit of supplying Spain with slaves, and an article in a celebrated treaty stipulated for our privilege of being the carriers of Spain in this traffic. It now appeared from the conduct of Spain, as if they almost intended to ridicule our efforts for the amelioration of the state of Africa. It was known that we had chosen a certain part of the coast of Africa, on which we made efforts to introduce a relish for the enjoyments of civilized life, and to carry on this good work it was absolutely necessary to secure it against the ravages of the slave trade. To this end we stipulated with Portugal, that she should confine her trade to the north of the Line. France, before she abolished the trade, made the same stipulation. In the negotiations with Spain, that power also conceded that she would confine the trade to a certain part of the coast. But when Spain had to point out the particular portion of the coast, she chose the very portion which we had selected for our efforts for civilization. This was an insult almost too great for an independent nation to bear. It was was supposed at first that this choice of Spain originated in mistake, but when the effect of her conduct was pointed out, she seemed to cling the more closely to it. Even in the paper which gave notice of this choice of the king of Spain, as if to ridicule us, it was boasted that he was entitled to the praise of Great Britain. All the consequences which had been predicted had happened. Great numbers of real Spaniards filled the coast, and greater numbers of others under the flag of Spain. In places where schools had been established, and efforts had been made to induce the chieftains to supply their demands for European comforts by peaceful industry and legitimate commerce, there the Spaniards now came to persuade the little princes to return to their old habits, and supply themselves more expeditiously with European luxuries by selling their subjects or making war on their neighbours. Tribe was set against tribe, village against village, and family against family. Even an individual would crouch like a tyger in a thicket to spring forth on a defenceless woman, to seize her and drag her to captivity. When thirty years ago, the barbarities of the slave trade were brought before the House, though it was not immediately abolished, an act was passed to alleviate the sufferings of the slaves in the middle passage. At present, however, ships were crowded beyond all precedent. In a letter from sir James Yeo, it was stated that in a vessel of 120 tons there had been conveyed 600 slaves. In one of the examinations before a committee of the House, a captain of a slave ship had been asked whether the slaves (of whom he had carried 450 in a ship of 230 or 240 tons) enjoyed comfort, said, they enjoyed tolerable comfort; but being asked whether they had room to lie on their backs, he said they had not. What idea of comfort this person had it was difficult to conceive; but if 450 slaves had not room to lie on their backs in a ship of 240 tons, what would be the condition of the 600 slaves in a ship of 120 tons? He should also read and affidavit of lieutenant Eike, in the case of a ship taken by his majesty's ship Cumberland:—" Affidavit of Lieutenant James Eike, sworn 17th of March, 1815, allowed by the court to be exhibited, in which he deposes, that on the 15th of February last he went on board the San Joaquim, as prize-master, and continued on board her some days after her arrival in Simon's Bay, which was on the 19th of the said month; that he remained on board until the slaves were landed by virtue of a decree from the court, and was actually superintending and assisting in their disembarkation; that when he first went on board, he was informed that the said vessel had left Mosambique only 22 days, at which time every person on board, was in good health, and that 13 of the slaves had died during that period; that between the capture and their arrival in Simon's Bay, the survivors were all of them sickly and weak, and nearly 100 of them afflicted with the flux; that medical aid was afforded to those who required it; that the brig appears to have been built for a privateer, and for fast sailing, not for stowage; that the slaves were all stowed together, perfectly naked, and nothing but rough unplaned planks to crouch down upon, in a hold situated over their water and provisions, the place being little more than two feet in height, and the space allowed to each slave being so small, that it was impossible for them to avoid touching and pressing upon those immediately surrounding; the greatest part of them were fastened, some three together, by one leg each, in heavy iron shackles, a very large proportion of them having the flux; that they were compelled to perform their natural evacuations under these dreadful circumstances, without being able to move, and to remain amidst their own excrement, which could not be cleared away until the said slaves were all disembarked; that between the 19th and 24th days of their being landed, 13 more died, notwithstanding good provisions, medical aid, and kind treatment, and 30 more died between the 24th of February and the 16th of March instant, all occasioned, as he in his conscience verily believes, and is firmly persuaded, by the cruel and inhuman treatment of the Portuguese owners; that more than 100 of them were, at the time of their landing, just like skeletons covered with skin, and moving by slow machinery, hardly maintaining the appearance of animated human beings; that the remainder were all of them enervated, and in a sickly state; he says that the pilot, upon being asked by captain Baker, how many he supposed would have reached the place of their destination alive, replied, about half the number that were embarked; that from the time of seizure, till the said slaves were landed, the Portuguese owners fed and attended them, giving them two meals each day, one at seven in the morning, the other at five in the evening, but never allowing to each person more than half a pint of water at each meal; he lastly says, that he never saw brute beasts treated with such cruelty as the slaves on board the San Joaquim were treated by their aforesaid owners."—As the persons engaged in this illicit traffic were apprehensive of being taken, they constructed vessels not calculated for stowage, but for fast sailing, and the miseries of the unhappy beings were increased. It would be seen that in three weeks or a month all this mortality had taken place. In another instance it had been stated, that of 540 negroes embarked, 340 had died. It was not the mere bodily pain these wretched beings suffered, crowded thus together in bulk between the tropics; men who had never been at sea before, and collected from different countries. These details were horrid to relate, but he recollected the saying of a right hon. gentleman, whose loss he deplored, that humanity did not consist in a squeamish ear, but in a feeling heart. The sentiment spoke its author, and made it superfluous to name Mr. Fox. Of the multitude of deaths which took place, it had been stated, that more were occasioned by broken hearts than by bodily disease. Of the slaves procured by the Spaniards, the greater part were sent to Havannah. By a paper which had been obtained by the cortes, it appeared, that there had been imported into that colony in 11 years, from 1799 to 1811, about 110,000, or 10,000 slaves a year; and in the three last years, the importation had been much greater—even amounting to 25,000 a year. The pretence, therefore, that the Spanish colonies were denuded of slaves, was entirely without foundation. They had provided for themselves most amply. The Spanish and Portuguese flags formed also a cover for the illicit traders of other nations. It had been decided also, by high authority, that it was law, that though Portuguese vessels might be found trading for slaves, in parts which they had renounced the right to trade to, they could not be made a prize, unless they had intruded on our possessions. The ships of Spain when questioned, often defended themselves, or anticipated attack by aggression; they had indeed committed acts of piracy of the most flagrant kind. They had driven away the native merchants from the coast, to keep it clear for their horrible traffic, and to prevent the intrusion or interference of strangers. Every consideration impelled us to stop a traffic like this. If it were not put an end to, any hope for our colonies selling their produce beyond our own possessions would be at an end. He should not hesitate, if the two powers would not put an end to the slave trade, to advise a recourse to an expedient the prospect of which had been held out, viz. a treaty with the great powers of Europe to prevent the purchase of colonial produce from colonies of those states which had not abolished the slave trade. In negociations on this subject, we should always be ready to admit that we had ourselves been heretofore eminently criminal, and to express our remorse at our former conduct. While he lamented the attempts to revive the slave trade in many places, he could not but be proud of the distinguished spirit and feeling which many individual Englishmen had shown to their own personal hazard and inconvenience to repress this disgraceful traffic. He alluded to the transactions in the islands near the cape (Mauritius and Madagascar), and to the neighbourhood of Java, where the late governor himself, Raffles, had joined in the efforts for suppressing the trade, which had converted some fertile and once happy islands into scenes of devastation. He alluded with pleasure also to the exertions of captain Curran, who had released many wretches in a situation equally afflicting with that which he had before described, and which he would not again repeat. On the Western coast of Africa the same disposition had been shown by colonel Chiswell, at Goree; and at Sierra-Leone, that excellent man governor Macarthy had extended the advantages of civilization to a considerable extent. By the last advices he learnt that 1463 Negro children were in a course of education there. He had before he sat down, to declare that his departed right hon. friend (Mr. Pitt), the want of whose support he now so much felt, had always been impressed with the necessity of following up to the fullest extent possible, the civilization of Africa; that after the injuries Europe had inflicted on it, we should not stop short with the mere act of abolition, but as far as was possible, promote the industry, improvement, and prosperity of its cruelly oppressed children. That this was the decided assurance of Mr. Pitt, he begged to acquaint the House in as solemn a manner as if he were upon oath. Mr. W. concluded with moving,

“That an humble Address be presented to his royal highness the Prince Regent, most humbly to represent to his royal highness, that, in bringing to a close the other business of this session, a great and important duty still remains to be performed by parliament, that of again submitting to his royal highness, in the most dutiful but urgent terms, the expression of our continued and unceasing solicitude for the universal and final abolition of the African slave trade:

"That we are grateful for the efforts already made, and for the progress which we have had the happiness to witness, in the achievement of this great work: That we rejoice that, in all his majesty's dominions, this wickedness is now for ever proscribed, and that our laws have stigmatized it by severe and ignominious punishment:

"That we have seen, with unspeakable satisfaction, that so many of the other nations, under whose flag this criminal traffic had formerly been protected, had now joined in the same prohibition, and have contracted with his majesty, and with each other, the obligation of persevering in it, as in a duty from which they never can be released: and that our confident expectations of the universal adoption of that prohibition have been greatly confirmed and strengthened by that memorable declaration which was promulgated by the plenipotentiaries of all the principal powers of Europe, assembled in their general congress; a declaration which well became the just and powerful sovereigns in whose names it was issued; proclaiming to their subjects and to the world, their deliberate conviction, that "the African slave trade is repugnant to the principles of humanity and of universal morality;" and adding to that avowal, the gracious and solemn assurance of their earnest desire "to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity:

"That we must indeed deeply regret, that practices acknowledged to be of such a character should, even for an hour, be continued, and even tolerated under the sanction of any civilized and christian government; but that it is impossible for us to doubt of that ultimate determination by which these crimes and miseries will finally be terminated: this engagement has been deliberately taken, and publicly and unequivocally announced, and its performance is imperiously required by every motive of interest, and of honour, of humanity, and of justice:

"That we beg leave, however, with all humility, to represent to his Royal Highness, that the actual attainment of this great object can alone discharge our country from the obligation of pursuing it with unremitted attention, and with daily increasing earnestness; and that we cannot disguise from ourselves the painful certainty, that the intermediate suspense and delay not only prolong, but greatly augment, the evil which we are thus labouring to remedy:

"That it appears to us but too notorious, that these crimes, hitherto partially checked by the prohibition of so many just governments, and by the abhorrence of all good men, are now again renewed, and are carried on with fresh, and continually increasing activity; that many of the subjects of those powers which have concurred in the abolition, are found, nevertheless, still to pursue the same nefarious course: that the stipulations by which other governments have consented to put limits to this evil, stipulations purchased by this country at the price of large sacrifices, are constantly, and almost openly disregarded, while the protection of the only remaining flag under which this wickedness can now be carried on without limit or restraint, and the intervention of the only nation to which its continuance is indiscriminately permitted, are used, not merely to protect this horrible traffic in the extent to which that people formerly pursued it, but as a sanction to its indefinite increase in their hands, and as a cover for the breach of the laws by which all other civilized communities have restrained their subjects from embarking in it:

"That, in humbly submitting these painful circumstances to the humane and enlightened consideration of his royal highness, we are sure it cannot be requisite to dwell upon the other and great evils which they necessarily involve: that this state of things has led, by manifest and necessary consequence, to a system of armed defiance and outrage, a system utterly destructive of all peaceful commerce insulting to legitimate authority, and, in its effects and consequences, little, if at all, short of open piracy: that this system also impedes, or rather it altogether frustrates, the just and benevolent endeavours of those powers, who are labouring to introduce among the natives of Africa the arts, and habits of civilized life; is productive of perpetual contest and irritation, leading not unfrequently to open violence between his majesty's ships and subjects, and those of the sovereigns in amity and alliance with this country; and continually endangers even those relations, the maintenance of which is of the utmost moment to their interests and to ours, as well as to the general repose and tranquillity of Europe:

"To represent to his Royal Highness, that being deeply impressed with the magnitude of all these considerations, we earnestly intreat his Royal Highness, that he will be pleased to pursue with unremitted activity, those negotiations into which he has already entered on this most momentous subject; that he will establish for this purpose the most effective concert with those sovereigns, whose just and benevolent principles respecting it, have already been announced to the world in concurrence with his own; and that he will leave no effort untried to bring the present evils to a speedy and immediate termination, and thereby to prevent the future and still greater mischiefs which their continuance must inevitably produce:

"That we confidently hope that his Royal highness's urgent but friendly representations will produce their desired effect; yet that in justice to the great interests that are at stake, we cannot but feel it our indispensable duty, to express our confident expectation, that if all his Royal Highness's amicable endeavours should prove unavailing, the great powers which, at the congress of Vienna, so honourably announced to the world their abhorrence of the slave trade, as radically unjust and cruel, will deem themselves compelled by an over-ruling sense of duty, to adopt, however reluctantly, such a course of commercial policy, as, without infringing on the just rights of any other nation, will alone prevent their indirectly, but powerfully, contributing to the continued existence of this inhuman traffic:

"That there is one important truth, which we beg leave most earnestly to press on his Royal Highness's most serious attention, a truth which painful experience has too fully taught us, that, however strong may be the prohibitions of the slave trade, and with how great sincerity soever they may be issued, they will prove practically inefficient, unless some general concert for ascertaining and bringing to punishment the offending parties, be mutually established between the several powers, under whose flags this trade has been, or may be, carried on:

"That we must once more declare to his Royal Highness, that in enforcing these considerations on his Royal Highness's most serious attention, we are actuated not merely by the feelings of humanity, but by the positive dictates of duty and conscience: that it is by these motives, and not as claiming any superiority in point of humanity or of morals, that we are actuated in our earnest desires to obtain the co-operation of all other civilized nations: that, remembering how long and how largely this country contributed to augment the miseries, and perpetuate the barbarism of Africa, we cannot but esteem ourselves specially and peculiarly bound, not to leave that vast continent in its present degraded state, but to endeavour, so far as we may be able, both by our own conduct, and in concert with other powers, to repair the wrongs we have inflicted, by opening the way for the diffusion of those blessings which, under the favour of Providence, a legitimate commerce, and a friendly intercourse with the enlightened nations of Europe, cannot fail to introduce in their train."

Lord *Castlereagh* complimented his hon. friend on his steady perseverance in the great cause in which he had so distinguished himself. He assured him that ministers were fully disposed to second him, and had not slept at their posts. Entirely concurring with him, that till arrangements were formed for carrying into complete effect the abolition by all the powers of Europe, the measure would not be productive of that good which the humane policy of this country and the benevolent views of the other powers expected from it, government was stimulated to every exertion for procuring the consent of the only two states that now exclusively conducted the traffic. Much had already been done by this country, much had been done by congress, and much had been done by those two powers themselves; but while one state still disgraced its flag by carrying on so cruel a trade, the evils of the system would be partially increased, and rendered more cruel and atrocious by being combined with resistance and piracy. Ministers had been active in negociations, not only with the governments of Portugal and Spain, but with the other powers who signed the treaty of Paris, and who exerted themselves towards the accomplishment of the same object. He felt a difficulty in entering on the subject, as he could not state the progress already made in coming towards an understanding with the two reluctant powers, without a danger of prejudicing pending negociations; while, at the same time, he allowed that parliament had a right to know all that could safely be disclosed. He would not therefore at present enter into the subject; but he hoped that, by the beginning of next session, the negociations now going on would be brought to such an issue as would enable him to lay them fully before the House. He flattered himself with the hope that the conclusion of them would be satisfactory; but if they should turn out to be otherwise, his hon. friend would again bring forward the subject. Even if ministers should succeed in their endeavours to the full extent of their hopes, it might be proper at that time to inquire by a committee into the whole question, and to take into view what had been done, and what still remained to be accomplished. He therefore hoped, that in refusing to enter into the subject at greater length at present, his hon. friend would not suspect him of a design to discourage his efforts. Though, on account of what he had stated, he should abstain from farther discussion, he would not oppose the address of his hon. friend, because it expressed the sentiments of his majesty's government.

Mr. *P. Moore* had no objection to the address of his hon. friend, and wished it all the success that he could hope from it. The noble lord now seemed to recommend to his hon. friend the advice which he gave him four years ago—to move for a committee. A committee always appeared to him the best mode of accomplishing what could be accomplished, and of realizing whatever could be realized. Though the evils of the slave trade were great and undeniable, yet he thought there was a drawback on the measure for carrying the abolition into effect. There had been a species of wholesale legislation on this subject, which had been productive of pernicious consequences. No control was established over those who seconded the zeal of the country in stopping this nefarious traffic; and the result was, that much individual oppression had been produced. He had presented a petition about three years ago from three individuals, complaining of abuse in the exercise of the powers intrusted to officers under the abolition acts. The substance of them was at first denied. It was needless to recapitulate the circumstances. Three persons established on the Rio Pongas had been dragged from their settlements to Sierra Leone, there tried by a surgeon, condemned to fourteen years banishment in Botany Bay, and sent to Portsmouth, to be from thence transported. From that place they transmitted to him a petition, which he presented to the Prince Regent, through the noble secretary for the colonies, who had attended to it, and ordered the oppressed individuals to be liberated. One of them had since brought his action in the King's-bench, and recovered 1,000*l.* damages for false imprisonment, and 19,000*l.* as compensation for the loss of property. These persons had not been concerned in the slave trade as was pretended. If such practices were allowed, the evils resulting from the execution of the abolition act would only be equalled by the traffic it was intended to abolish.

Mr. *Brougham* would not have obtruded himself at all on the attention of the House, had it not been owing to the statement of his hon. friend, which, if it went forth to the country uncontradicted, might produce pernicious effects. His hon. friend had launched a most extraordinary charge against all the abolitionists, and against himself as one of them, as dealing in wholesale legislation. He did not understand the meaning of this epithet, when applied to laws for carrying the abolition into effect. In all legislation, the remedy should be co-extensive with the evil to be prevented, or the dangers apprehended. The laws on this subject proceeded no farther; they described the offence, and prescribed the punishment of it wherever found. To limit the punishment to a particular place, when the offence might be general, might, to follow the figure of his hon. friend, be retail legislation; but it would be partial and inefficient. If he meant that such laws should be partial, there was, undoubtedly, some foundation for his charge of enacting wholesale measures. The law of the 51st of the king, which he had the honour to introduce, had two objects in view: 1st. to prevent trading in slaves, by declaring the act a felony any where within the British dominions; and, 2dly, to prevent trading in slaves by British subjects any where, either in the British dominions or not. To apply this law to the case mentioned by his hon. friend, it happened that Cooke and his associates had been engaged in the slave trade at Rio Pongas, which was beyond the limits of our colony of Sierra Leone. A military force was sent to observe their conduct, and to learn if they were British subjects, with instructions to apprehend them if they were. The information they received was, that they were British subjects; and this was not contradicted till after their apprehension. Cooke was tried at Sierra Leone, and the judge, as had been stated, happened to be a surgeon. It often must occur in the colonies that persons, professionally qualified for particular offices, could not be found when their services were required. Intervals would occur between the death of one judge and the arrival of another; and the public business could not stand still. The gentleman who presided on this occasion was a man of good education and respectable character. Cooke was convicted of slave dealing, and sentenced accordingly, as a British subject. He believed he did not plead guilty, but he admitted that he was a British subject.—The defence that he was an American citizen was an afterthought, and did not occur to him till he arrived in England. It was well known by those who knew the proceedings of prize courts, that men frequently became Americans or English as best suited their purpose. Being therefore considered as a British subject, he was guilty of a felony under the act of the 51st of the king, though the slave-dealing was carried on beyond the limits of the British territory. He (Mr. B.) however admitted, that the court had not jurisdiction. By an oversight in the act which he had brought in, it was founded on a statute of William which had been repealed. Neither he nor any lawyer in Westminster-hall was aware that the statute of William had been repealed; nor was the circumstance known to Mr. Stephen, the master in chancery, who knew more about the acts relative to colonies than all the lawyers in Westminster-hall put together. By this oversight the court of Sierra Leone had not jurisdiction; though it was still made a question, whether or not the act of 51st of the king did not call into existence so much of the repealed statute of William as it referred to; and which, by being revived, would give the former validity. On this ground alone, was Cooke released; a release to which he did not object, as, if there was any doubt, the accused should have the benefit of it. But no part of these proceedings could possibly prejudice the character of colonel Maxwell; for, with the information which had been laid before him, he would not have been justified in abstaining from taking steps to bring the offenders to justice. The more this transaction was sifted the more blameless would the conduct of this meritorious individual appear.—When his hon. friend, therefore, boasted of the verdict which had been obtained in a recent trial, it might be proper to recollect, that the damages given were subject to a reference; that they were taken as stated in the declaration, and might be cut down to the lowest possible sum. With regard to that portion of the verdict which referred to the subject of imprisonment, and the amount of which was 1,000*l.*, he deeply regretted the necessity which had occasioned it. He meant no reflection on the court or jury; a technical nicety had rendered it necessary that a verdict should pass against the defendant, but it could neither set up the character of Mr. Cooke nor degrade that of colonel Maxwell. He could not avoid taking the present opportunity of expressing a confident hope, equal indeed to an expectation, that government, under these circumstances, would not suffer him to go without compensation for the pecuniary loss which he had sustained.—Having thus answered the sort of episode which had been introduced into the discussion by his hon. friend, he had now a very few observations to address to the principal matter under consideration. He certainly did not entertain the same sanguine hopes of inducing Spain and Portugal to abandon these detestable practices, which had been expressed by his hon. friend in the speech with which he prefaced the present motion, and by the noble lord in his explanation. If the effectual abolition of all these enormous evils was contemplated, there appeared to him to be but one method of accomplishing the object—the adoption of some arrangement among the greater powers of Europe, which should establish a mutual right of search. This was the only way of guarding against evasion, and defeating the sophistry of the doctors of Salamanca and Coimbra, in construing or expounding treaties. Although it might be regarded as introducing a new principle of national law, it was imperiously required by the urgency of the case; for without such a regulation, there would be little security that Spain and Portugal would observe their public declarations, whilst there was still less that individuals would not evade them.

Mr. *A. Browne* thought it right to observe, that whatever progress had been made in carrying the abolition into effect, none of the difficulties which had been experienced were attributable to those who had originally opposed it. On the contrary, many of them, both at home and in the West Indies, had been earnest and active in their endeavours to assist the execution of the law. He was not sanguine enough to expect any very favourable result from the negotiations which the address was intended to promote.

Mr. *Goulburn* expressed his satisfaction at hearing the accurate explanation made by the hon. and learned gentleman relative to the circumstances of colonel Maxwell's conduct. He rose for the purpose of stating, that government had already signified to that gentleman that the whole of the expenses incurred in the late trial would be defrayed by the public.

Mr. *J. H. Smyth* concurred in opinion with an hon. and learned gentleman that some international regulation could alone effectuate an entire abolition of the slave trade. If the noble lord, the proudest moment of whose life was when he procured from the principal sovereigns of Europe, in the congress at Vienna, a sentence of condemnation against this practice, should follow up that proceeding by some measure that might carry it into effect, the reputation of his name would be as lasting as the principles of humanity and justice.

Mr. *Barham* alluded to a charge against this country, which was sometimes gravely and sometimes sarcastically made by foreigners, and particularly by the French, of our being actuated by selfish motives in our exertions to procure a universal relinquishment of this trade; and of our having ceased to carry it on ourselves only when it was no longer necessary to our colonial interests. Bold as this accusation was, it was directly contrary to the fact; and it was rather singular, that at this moment the French West India colonies were more saturated with slaves than our own.

Mr. *W. Smith* did not believe there was a single wise and honourable individual on the continent, who entertained such suspicions of the motives of this country in abolishing the slave trade as had been mentioned by the last speaker. With respect to the motion before the House, he owned he did not entertain such sanguine hopes as some seemed to do, of the influence of this country over Spain. Looking to the conduct of Spain in all her negociations he had little expectation of any beneficial result. Spain would consent to nothing into the granting of which she was not driven.

Mr. *Marryat* was of opinion, that the suggestion of prohibiting the colonial produce of Spain and Portugal, would, if acted on, expose this country, which must be the greatest gainer by such a proceeding, to a still stronger suspicion of being actuated by selfish motives. He thought it important, that some alteration should be made in the instructions given to naval officers with regard to the capture of slave ships. A great number of these vessels had been condemned at Sierra Leone, and all the judgments except three had been reversed by the court of admiralty in this country. When the judgment was affirmed, the captors received 30*l.* or 40*l.* for each slave: but when restitution was decreed, not less than 75*l.* was ordered to be paid to the parties appealing against the decision of the colonial court. This was a most extraordinary situation for us to be placed in; the original cost of a slave was about 5*l.* 10*s.*, and the trader knew that if his vessel was condemned at Sierra Leone, he should obtain ample compensation in London. Was it possible to conceive a more powerful stimulus to the continuance and extension of the trade? The first step for the purpose of applying a remedy to this evil was, in his opinion, to render the instructions issued to naval officers more consonant to the decisions of the court of admiralty. He was happy in giving his support to the address, and in expressing his hope that a termination of this dreadful traffic was not very far distant.

The address was then agreed to.

STATE OF THE PUBLIC FINANCES.] The adjourned debate on the Finance Resolutions moved by Mr. Tierney and Mr. Grant [See p. 1188 and p. 1281] being resumed.

Mr. *Tierney* rose, to call the attention of the House, to the Finance Resolutions which he had already moved, but the debate on which had been hitherto, from various circumstances unavoidably delayed. On this subject, he had in the first place to state to the House, that in the first of those resolutions he now found that a great mistake was committed on his part. It was therefore his intention to move that the first resolution be withdrawn, for the purpose of substituting another. The mistake to which he alluded arose from his not being aware that Irish treasury bills to the amount of above 4,000,000*l.* had been paid off during the present year. In that part of the resolution which stated the amount of the unfunded debt, he made 12,600,000*l.* the amount of the addition made to that part of the debt, for exchequer and treasury bills issued this session. The hon. gentleman opposite (Mr. C. Grant, jun.) who had also moved a set of resolutions, made the whole amount of this branch, 1,300,000*l.* less. The mode in which the hon. gentleman did this, was, as he apprehended, by supposing that the new issues of exchequer bills would be strictly applied to pay off those outstanding : and if this were taken for granted, then he must admit that the hon. gentleman was right. By referring to the votes of the House, it appeared that the total amount of the supplies granted in the course of the year, was 64,336,000*l.* To meet this, the gross amount of the ways and means as stated in what was commonly called the budget, was 64,141,000*l.* leaving a deficiency as compared with the supplies of 195,000*l.* From the exchequer bill account produced to the House last month, it appeared that a sum of 583,000*l.* must have been paid off from some quarter. Where this sum was taken from he knew not, unless it was from the ways and means—[Here the chancellor of the exchequer said, across the table, that this sum had been paid off before.] If it had been paid off before, it certainly ought not to be stated as outstanding on the 5th of January. It appeared, however, that the whole sum between the hon. gentleman and himself was no more than 1,300,000*l.*, which certainly in this case, was hardly worth talking about. In opposing the funded to the unfunded debt, it was to be recollected, in one point of view, how immaterial the difference was, since all that now appeared under the head of unfunded would, some time or other, come to be added to the funded debt. As to the navy and transport debt, he considered it to be a sort of running account between the government and the contractors; and it was highly necessary for the country to know whether the sum of 1,660,000*l.* of the navy and transport debt was now actually paid off.

His whole object in these resolutions was, to bring a few questions of finance into such a point of view as to make them intelligible to any one; for the truth was, that nine persons out of ten were not in any degree conversant with those questions. But if he had made a mistake his resolutions had at least produced one good effect. He had to congratulate himself and the country on having at least been the means of bringing out a set of resolutions from the other side of the House, which showed the real state of the funded and unfunded debt. The effect generally produced on the minds of members, was, when they saw any balance on the budget in its favour, that this would be a surplus really applicable to pay off the public debt. On this subject, he had therefore thought it necessary to have a resolution. The receipts of the ways and means of last year had not produced more than 5,115,000*l.* above the sums required for the service of the year; and a great part of that sum arrears of property tax. This was before stated with the consolidated fund; but this year it was put with the ways and means. The truth was, it had nothing to do with the consolidated fund. On this account there was an extraordinary receipt of 2,028,000*l.*, which would not occur again. In the report of the committee of finance, it was stated, that the arrears of the property-tax might be required to meet the expenses of this year and of the next. How this was made out, he did not know. It was material, therefore, to have a resolution which would shew, that although it appeared that there was a surplus of 1,660,000*l.* applicable to the paying off one part of the debt, yet that, in fact, there had been paid a sum of more than two millions out of what in reality were our assets.—The next resolution went to say, that, assuming the revenue of this year equal to that of the last, there would be an excess of charge to the amount of 3,521,200*l.* The only object which he had in view by these resolutions was, that the truth should come out. The finance committee stated, that their way of estimating the revenue of this year was, by taking the year 1815, which was a year of extraordinary productiveness, and comparing it with this year, which was one of extraordinary unproductiveness. The committee said, too, that the second year of peace would be equal to the average of the three last years of war; and, in proof of this, they referred to what had taken place at the termination of the American war. This was really very fallacious. There was no analogy whatever between the present state of the country and that in which it was at the end of the American war, in 1783. The American war, during its continuance, had produced nothing but distress to the country; whereas, the late war had, on the contrary, been the cause of much prosperity. During the American war we lost all our trade; but in the late war we gained the trade of the whole world. There was, therefore, not the least reason to assume, that because the revenue was in a flourishing state in the first years of peace after the American war, that the same would now be the case. For his own part, he had all along argued, that when peace came it would be impossible for us to keep up our taxes. The chancellor of the exchequer had constantly maintained an opposite opinion, and it was now to be seen which of them was right. His last resolution was given with the view of illustrating the preceding. It was to be noticed how the consolidated fund stood this year. The whole surplus of it up to the 5th of April, had been voted as part of the ways and means of the year; so that there remained only three quarters of it. He should, perhaps, be told, that as this was the case, the whole of the charges on it were paid out of this; and although he must admit this, yet unless the whole year was stated altogether, one quarter with another, the consolidated fund was not fairly dealt with, and there would be the three bad quarters for the one good one. The quarter ending the 5th of July was the worst one, and upon it, in the present year, there was a deficiency of 725,000*l.*, leaving out Ireland. This great deficiency shewed the fallacy, of estimating the produce of the revenue in the years of peace by the average of three years of war. There was certainly a great deficiency in the revenue this quarter—as much perhaps as 3,000,000*l.* and then the revenue would not be sufficient to pay the interest of the national debt. He did not say this as meaning that there was any danger to the creditors of the nation; but to shew that parliament must not think lightly of it. It was, however, said, that the distress was only temporary. If this were the case, there surely was never any temporary distress of such long continuance; and, what was most alarming was, that it was getting worse and worse every day. Even on the showing of the finance committee themselves, the presumption was, that the produce of the revenue would not be adequate to the payment of the interest of the national debt, and that in order to pay the interest, recourse must be had to borrowing. As matters now stood, parliament would separate without having made any arrangement for the payment of the interest of the national debt.

He had now generally stated the topics embraced in his resolutions; and, whatever inaccuracies might have crept into them, he rejoiced that they had produced the effect of inducing the hon. gentleman opposite to apply his talents to this subject; and he hoped that hon. gentleman would continue annually to produce resolutions of the same nature with those which he had now laid before the House. If this were done, it would enable them to go on intelligibly from year to year. He believed that no country was ever in such a state as we now were. That the national credit should be improving, and the price of stocks increasing, at the very same time when the revenue was falling off from hour to hour, seemed most extraordinary. The price of stocks was higher now than when the revenue was daily increasing at such a rate that the exchequer was hardly able to contain it. He did not by any means impute blame to the right hon. gentleman opposite for issuing exchequer bills, although they certainly had been issued to an extraordinary amount. What was the amount of exchequer bills which could really be borne by the market, could not be very exactly stated. But the mode pursued by government in setting a premium on them, he understood to be this—they fixed a premium, below which they said they would not sell them, and if they did not get them sold at that premium, they could have the money in the meantime from the bank. The natural consequence of this was to leave us at the mercy of the bank. Next year there would be a great trial of strength between government and the bank, for then cash payments were to be resumed; then would be 17,000,000*l.* exchequer bills outstanding; it was impossible that the bank could make issues to such an amount in specie as it had done in notes. The House had lately heard that the distress in the country was at the highest pitch—that every one wished to borrow, and no one was able to lend. All this, however, which was then denied, was now adduced as a proof of the prosperous state of the country. Trade of every kind was in a state of complete stagnation, and the merchant having no other way to dispose of his capital, laid it out in the money market and bought exchequer bills, because he could buy nothing else. This system was carried on to the utmost extent. Bankers made a most inexcusable use of the money of their customers, by laying it out in the purchase of stock. Every banker thus become what was, in the city phrase, called "a Bull." This was, at best, a most dangerous speculation;—the effect, in the mean time was, to raise the price of stocks. But, supposing trade should revive, they would be obliged to sell out at the price of the day, which would then probably be low enough. The chancellor of the exchequer had, some time since, come down to the House and said, that money was so plenty, that they could lend out a million and a half on good security. Out of this 1,500,000*l.* he now understood the regent's canal company was to have 200,000*l.*—What he wished principally to press upon the House was, that all this apparent temporary prosperity was not to be built upon. At present, the revenue was daily decreasing, and the price of stocks rising, The whole financial situation of the country as it now stood, presented an unnatural state of things. He was the last man who would hold out a desponding tone. The state of the harvest was good; and it was his firm conviction that affairs would, at no distant period, assume a better aspect. But the only way of bringing matters about would be, to create, if possible, a more productive revenue; nothing else would meet the exigencies of the state. The revenue, he thought, would shortly be recruited, though not to the extent that would be necessary to equalize the revenue and the expenditure. But supposing the best case, and that trade should revive, it would take a considerable time before the return of prosperous times would be evinced by the revenue. In the present circumstances of the country, unless the revenue could be raised, and greatly raised, the difficulties to be encountered by the country would be without any parallel. A bill had lately passed through the House to enable the commissioners of woods and forests to borrow 300,000*l.* Did any one think that they could obtain this without having recourse to the stocks? With respect to the sinking fund, after the many discussions on the subject, it seemed that both sides of the House had talked themselves into a conviction that the country was in a flourishing way, if it was unnecessary to apply any part of the sinking fund to the ways and means of the year. It was, however, to be considered, that the rise of the stocks counteracted the effects of the sinking fund. The finance report talked of the revival of commerce, but it was impossible for commerce to revive under such a weight of taxes as oppressed it. It was his wish to have entered at some greater length into the state of trade, and of the resources of the country, but he must abandon that intention, having neither health nor spirits to support any farther consideration of the subject, and being sensible that he had already trespassed to a great extent on the patience of the House. He then moved, that the first resolution be read, for the purpose of being withdrawn. The resolution having been read from the Chair, was accordingly withdrawn. Mr. Tierney then moved the following Resolutions:

1. "That the unfunded debt of Great Britain and Ireland, in exchequer and treasury bills unprovided for, may be stated as follows; viz.

Exchequer bills outstanding and unprovided for 24th June 1817		£.52,362,200
Treasury bills (Ireland) do.		1,084,992
Farther exchequer bills voted for the service of 1817		9,000,000
Farther treasury bills (Ireland) do.		3,600,000
Probable amount of unfunded debt unprovided for 5th January 1818		66,047,192
That the amount of exchequer bills outstanding was 5th January 1817	44,463,300	
And of treasury bills (Ireland) do.	5,304,992	
Unfunded debt outstanding and unprovided for 5th Jan. 1817		49,768,292
Leaving a probable increase of unfunded debt unprovided for 5th January, 1818		16,278,900
And that deducting the sum to be expended by the commissioners for the reduction of the funded debt of Great Britain and Ireland, in the year 1817, which may be estimated at		14,464,443
The probable increase of debt in exchequer and treasury bills, exclusive of any excess of charge upon the consolidated fund beyond the income thereof will be		1,814,457

2. "That provision has been made for paying of navy debt, outstanding on the 5th of January 1817, to the amount of - 1,660,000

3. "That towards raising the supplies for the year, extraordinary receipts from arrears of property tax have been applied as follows; viz. 1,023,000, forming part of the surplus of the consolidated fund on the 5th April 1817, voted as ways and means of the year 1,023,000

1,500,000*l.* received, or to be re-

ceived, between the 5th April 1817 and 5th April 1818 - -	1,500,000
Extraordinary receipts from arrears of property tax, applied towards raising the supplies of the present year - - - - - -	2,523,000

4. "That supposing the income of, and charge upon, the consolidated fund of Great Britain and Ireland to be the same in the year ending the 5th January 1818, as in the year ending the 5th January 1817, they may be stated as follows, viz.

INCOME:—Great Britain (after deducting 374,000*l.* arrears of property tax) - - - - - - -		38,709,551
Do. Ireland - - - -		4,394,631
Income of year ending 5th January 1818 - - - - - - -		43,104,182
CHARGE:—Great Britain - -	39,693,429	
Ireland -	6,985,963	
Charge of year ending 5th January 1818 - - - - - - - - -		46,679,392
Excess of charge - - - - -		3,575,210

5. "That the surplus of the consolidated fund of Great Britain and Ireland, in the quarter ending the 5th April 1817, has been voted as a part of the ways and means of the year:

And that the deficiency of the income of the consolidated fund to meet the charge in the quarter ending the 5th July 1817 (supposing the surplus of the consolidated fund in Ireland to be the same as on the 5th of April) is -	3,273,827

The first Resolution being put,

Mr. *Charles Grant* jun. said, he was sure the House would do him the justice to believe, that he felt his incompetency to cope with the right hon. gentleman who had just sat down, on financial topics. In expressing his sense of this incompetency, he must offer his warmest thanks to the right hon. gentleman, for the very flattering terms, and the handsome manner, in which he had been pleased to speak of him. He should not detain the House, by entering into the general question of the financial situation of the country,—but in the few observations he had to submit, should confine himself to a statement of the points of difference between the resolutions of the right hon. gentleman, and his own; and of the reasons which made it, in his judgment, proper to move the previous question on the right hon. gentleman's resolutions, and to submit to the House, the resolutions which he should have the honor to propose.

The resolutions of the right hon. gentleman might be divided, as he conceived, into two parts;—the one relating to the increase and amount of the public debt—the other relating to the revenue, and future prospects of the country. To the latter of these subjects, his (Mr. G.'s) resolutions did not advert, for reasons which he should afterwards explain. As to the former, the right hon. gentleman's resolutions had two objects.—The first—to prove that the probable amount of unfunded debt (exclusive of any deficiency in the consolidated fund, and looking only at the financial operations of the year), unprovided for on 5th January, 1818,—would be 66,047,192*l.* The second, to prove that, exclusively of any defects in the consolidated fund, and, after a deduction of the sum to be expended by the commissioners for the redemption of the funded debt of Great Britain and Ireland, in the year 1817; the probable increase of debt in exchequer and treasury bills, in the present year, will be 1,814,459*l.* In opposition to these two conclusions, Mr. Grant said, he contended,—1st. That, exclusive of any defects of consolidated fund, and as far as regards the financial measures of the year, the utmost possible amount of exchequer and Irish treasury bills, outstanding on the 5th January, 1818, could not exceed 64,684,992*l.*—2nd. That, exclusive of any defects in the consolidated fund, and upon a balance between the debt actually incurred in this year, and the sum applicable, in this year, to the reduction of debt, so far from an increase, there would be an actual diminution of debt to the amount of 1,207,743*l.*

With respect to the first point, it should be remembered there was a difference of more than four millions in the amount of debt, as stated in the printed resolutions of the right hon. gentleman, and those now brought forward; but though the error had to that extent been corrected, the principle of the error was still retained in the new resolutions. The right hon. gentleman said, that if it were certain that no exchequer or treasury bills, for the service of this year, would be issued after 5th January, 1818, he might be disposed to agree to the sum of 64,684,000*l.* stated as the limit in Mr. G.'s resolutions; but as such bills would be issued after 5th January, 1818, he could not do so. Mr. Grant admitted that all the exchequer bills, and treasury bills, applicable to the service of this year, would not be issued by 5th January, 1818; but this by no means led to the conclusion of the right hon. gentleman, that there would be more issued for the service of the year, than 64,684,000*l*.—it only showed that less than 64,684,000*l*. would in all probability be issued by the 5th January. The difference between the sum outstanding on the 5th January, and the total sum applicable to the services of the year 1817, would be issued after the 5th January; but after all, that total sum cannot by possibility exceed 64,684,992*l*. Be it issued sooner or later, be it all outstanding on 5th January 1818, or a portion of it issued after the 5th January, still the whole outstanding debt in exchequer and treasury bills, at the close of the financial year 1817, could not amount to more than 64,684,992*l*.—unless, indeed, there was an actual deficiency of ways and means, which was scarcely possible, as the whole, or nearly the whole of the ways and means were already realized.

The right hon. gentleman seemed to be of opinion, that the ways and means voted for the present year, were nearly 300,000*l*. less than the supplies voted for this year—but this was not the case. Mr. Grant showed, by a recapitulation of the respective items on each side, that the difference was of small moment;—the supplies being 64,199,708*l*.; the ways and means 64,141,537*l*.

With a view to lay before the House the grounds upon which he maintained that the limit to the debt in exchequer and Irish treasury bills, on 5th January, 1818, must be 64,684,992*l*. Mr. Grant said, it might be useful, as a preliminary, to ascertain the exact amount of debt in exchequer and Irish treasury bills, outstanding at the close of the financial year 1816. The amount stated, in the parliamentary accounts, outstanding on the 5th January 1817, was 49,768,292*l*., which was true of that period; but this was not the whole amount of the unfunded debt as applicable to last year. Some part of the supplies granted by parliament in the last session, were not in the ordinary course satisfied, till after the time to which these accounts were made up. When these supplies were satisfied, the unfunded debt was increased to the amount which has been sanctioned by parliament. In order to ascertain this amount, we must look to the supplies voted this session.—From the votes in supply this year, it appears there have been voted towards the discharge of exchequer bills, sums amounting to - - - - - - - 37,841,900
And of Irish treasury bills do. 4,220,000

Total in supply - - - 42,061,900

Besides this, there were other items of unfunded debt, which were not included in the supply of this year, but which it is necessary to bring into the calculation. These consisted of the two Bank advances of three millions, and of six millions, and of Irish treasury bills amounting to 1,084,992*l*. This sum of Irish treasury bills, was part of the 5,304,992*l*. outstanding, on the 5th January, 1817, and was not included in the vote of supply,—as not being payable till next year. The Bank advance of three millions, cannot be said to be applicable to the service of last year, but it was part of the outstanding debt at the close of last year. These three items together are equal to 10,084,992
Adding this to the sum already stated - - - - - - - 42,061,900

We have 52,146,892

As the total unfunded debt in exchequer and Irish treasury bills, at the close of the financial year 1816.

Mr. Grant then proceeded to state the reasons for fixing 64,684,992,—as the maximum of debt, of the nature under consideration, on the 5th January, 1818. For this purpose he must bring before the House, the votes granted by parliament in Supply, and in Ways and Means in this session.

The Supplies granted for this year amounted on the whole to 64,199,708,—consisting partly of the sums already detailed, voted for the discharge of exchequer and Irish treasury bills 42,061,900
And partly of the sums granted for the current service of the year - - - - - - - - 22,137,808

64,199,708

The Ways and Means voted for this year, amounting on the whole to 64,141,537*l*. They consisted partly of exchequer and Irish treasury bills for different sums, making together - - - - 54,600,000
And partly of money revenues amounting to - - - - 9,541,537

Total - - - 64,141,537

Now it is obvious, that these Ways and Means can be issued only to meet the supplies of the year; and whenever any portion of them is issued, a corresponding portion of the supplies must be discharged. If, therefore, the whole of the Ways and Means should be issued by the 5th January, 1818, the whole of the supplies must by that time be satisfied. The two sides of the account cannot subsist together. In proportion as the one is increased, the other is diminished. Supposing, then, the whole of the Ways and Means to be applied by the 5th January, 1818; it follows, that the whole amount of exchequer and Irish treasury bills voted for the year, namely, 54,600,000*l.* will be then outstanding. In so far, then, as the supply of the present year is concerned, the maximum of debt in exchequer and Irish treasury bills, is the sum of 54,600,000*l.* To this must be added the 10,084,992*l.* above mentioned, which, though not applicable to the present year, will be outstanding on the 5th January, and the total 64,684,992*l.*, is the maximum of the whole debt in exchequer and treasury bills outstanding on 5th January, 1818. In stating this as the limit, Mr. Grant reminded the House, he had taken the case most unfavourable to his argument—he had supposed that all the exchequer and treasury bills applicable to the present financial year, would be issued by the 5th January 1818,—but it was unquestionable, that the whole of them would not then be issued—he would have been justified in saying, that not above 61 or 62 millions would then be outstanding,—at least, if we judged from what took place this year, in which 49,768,292*l.* were out on the 5th January, though the whole sum was 52,146,892*l.* making a difference of between two and three millions.

Mr. Grant said, the mistake in Mr. Tierney's calculation was this—the right hon. gentleman had reckoned the same sum twice over. He found, that since the beginning of the year to the 24th June last, the number of exchequer bills outstanding, had increased from 44,463,300*l.* to 52,362,200*l.*—and he assumed that the issue of the nine millions exchequer bills (included in the Budget), must of necessity still farther increase the latter sum.—But on what ground was this assumption made? or why were these bills for nine millions, taken as the specific bills, that would constitute the increase? How were they distinguished from the other sums in exchequer bills voted for this year? Why should not the 18 millions or 24 millions (sums respectively voted in exchequer bills, in the Ways and Means of this year), be just as well taken as the addition? Gentlemen must be aware that no part of the ways and means is specifically appropriated to the discharge of any particular portion of the supply. The Ways and Means are voted generally towards the discharge of the supply granted to his majesty for the year. The sums voted in exchequer bills this year prior to the Budget, were just as applicable to the current service of the year, as to the discharge of outstanding exchequer bills. It might therefore have occurred to the right hon. gentleman, that a part at least of the 7,898,950*l.*, by which the unfunded debt has been increased in the present year, had been applied towards satisfying the annual grants for the service of the year. Whatever part of it was so applied went of course to preclude a similar application of an equal part of the 12,600,000*l.*, the difference between the Ways and Means to arise from money revenue, and the total amount of supply as stated in the Budget—that is, if the whole 12,600,000*l.*, should be issued, the actual increase of debt, would be not 12,600,000*l.*, but 12,600,000*l.* diminished by that part so anticipated by previous issues of exchequer bills,—and that part, so anticipated, if issued at all, could go only to replace outstanding exchequer bills; and would therefore be, not an augmentation, but a substitution of debt.

But even without these proofs, the mere result of the right hon. gentleman's resolutions, was enough to prove the existence of some error or fallacy in them. For by these resolutions, the increase of unfunded debt in the year, is made 16,278,900*l.* Now, the money revenue voted in the Ways and Means this year, was 9,541,537*l.* making together 25,820,437*l.* The supply voted for the current service of the year, was 22,137,808*l.*—that is—here are Ways and Means of nearly 26 millions, to meet a supply of 22 millions.

Mr. Grant observed, it was remarkable that the fallacy had in part been perceived and corrected by the right hon. gentleman; and yet was in part allowed to remain. In the first copy of the resolutions, in the 4th resolution, the amount of Irish treasury bills was stated at 5,304,992*l.* In the amended copy, they are stated at 1,084,992*l.*, and 4,220,000*l.*, were very properly omitted—and why? because they were provided for in the supplies of the year! but for precisely the same reason, a portion of the nine millions ought also to be omitted. In whatever proportion the 52,362,200*l.* has been applied to the service of the year, in that proportion, the 12,600,000*l.* considered as applicable to the service of the year, ought to be diminished. If, instead of the mode of calculation adopted in the right hon. gentleman's resolutions, another had been used—if the whole sum actually applied to the services of last year had been taken; if to that, had been added the 12,600,000*l.*, included in the Budget of this year—and, if there had farther been added the 10,084,992*l.* above detailed, the result, Mr. Grant said, would have been the same as given in his resolutions.

With respect to the second topic of difference, the increase or diminution of debt, Mr. Grant said, if the statements he had already made were correct, the conclusion might be drawn very shortly. He admitted, that in the amount of exchequer bills, outstanding on 5th January, 1817, he had included those issued on the "annual duties," which ought to be omitted, and this would reduce the sum from 44,650,300*l.*, as stated in his resolutions, to 44,463,300*l.*, as stated in the right hon. gentleman's, and the latter he would adopt. Yet, even thus, there would be a positive decrease of debt. The right hon. gentleman, indeed, in his new resolutions, separated the sum granted for discharge of navy debt, from the rest of the sum applicable to reduction of debt,—for what reason, Mr. Grant could not imagine. It was of no consequence to the present inquiry, whether the 1,660,000*l.* was funded or unfunded. The only question was, on the whole services of the year, what was the debt actually incurred, and, what was the whole sum applicable, from whatever quarter, to the discharge of debt. The 1,660,000*l.*, therefore, ought to be added to the 14,464,443*l.*, and it would thus appear, that at the end of the year, there would be at the least a diminution of debt of 1,207,743*l.* He said at the least, because if the debt in exchequer and treasury bills, outstanding on 5th January, 1818, should be below the maximum, as it was almost certain to be, the difference would go to make a still farther diminution of public debt.

Mr. Grant said, that he had abstained in his resolutions, from adverting to the other great subject touched upon in the resolutions of the right hon. gentleman, namely, the revenue, and future prospects of the country. He had done so, because he wished his resolutions to be resolutions of fact, and not of argument and inference. If his resolutions had any merit, it was that of confining themselves to fact and calculation, without involving estimate, conjecture, or prediction. On this ground, he objected generally to the right hon. gentleman's resolutions. They were argumentative; and resolutions, involving deductions and inference, could not lead to any definite conclusion;—because it was impossible for them to give more than a broken and imperfect view of a great question. The right hon. gentleman was sensible of this, as he had expressed, that his intention had been to multiply his resolutions. Mr. Grant believed no resolutions, however multiplied, could have answered the purpose; he regretted, however, that they had not the advantage of those multiplied resolutions, not from a belief of their giving any decisive result, but from a wish to see the right hon. gentleman's opinions at length on these topics. He regretted still more the cause which had deprived the House of that advantage, and he was sure the House deeply joined with him in that feeling [a general cry of hear!]. He did not say that resolutions of argument, were in all cases to be deprecated; but he meant to say, that if they were at all admitted, it was indispensable that they should bring before the House, all the main considerations necessary to the decision of the question. And even then, the end would be unsatisfactory; for if the resolutions had been multiplied, and he (Mr. G.) had met them also by multiplied resolutions, there would have been opinion against opinion, and here, after all, it must have rested. It was obvious, that the mere statement of a deficiency of revenue, led to no conclusion whatever,—there were other inquiries essential to form a true judgment. What are the causes of this deficiency? Are they temporary, or permanent? domestic, or foreign? within our control or beyond it? These, and other such topics, were not brought in view by the right hon. gentleman's resolutions—which resolutions seemed to him founded on erroneous premises, and of course led to inadequate conclusions.

The right hon. member had dwelt much upon the arrears of property tax, which had fallen in this year, and had described them in his third resolution, as extraordinary receipts applied towards raising the supplies of the present year, arguing from

thence, that we could not rely on this another year. These were extraordinary receipts, which would not recur; but then there were also extraordinary charges included in the supplies of this year, which would not recur in the next. For instance, the sum required to make good the permanent charges of Ireland, to 5th January, 1816, - - - - - - 246,500
And charge for the navy debt 1,660,000

Making together - - 1,906,500

This appears also from the 4th report of the committee on finance, who present the estimates of the supplies for this year and the next, which give a difference nearly equal to the extraordinary receipts of the year, being for 1817, 19,647,300*l.*; and for 1818, 17,350,000*l.*

As to the fourth resolution, the right hon. gentleman had here fallen into an inaccuracy Even allowing the propriety of founding a resolution on supposition (and this, by-the-by, sufficiently showed the inconveniency of that mode of resolving; for as the right hon. gentleman began with *supposing* the income and charge of the consolidated fund to be the same as last year, it would be just as competent to Mr. G., or any other member to *suppose* the income and charge to be that given by the committee on finance, as the average of the two years 1815 and 1816), but even on the right hon. gentleman's *supposition*, it was wrong to state the charge in this year, of the same amount as in the last,—even if the charge were, technically speaking, the same, still it must inevitably diminish, from the circumstance of the interest upon the loan for the first year, after its contraction being so much greater than in subsequent years, a circumstance of which the right hon. gentleman must be quite aware. The difference arising from this circumstance, had been estimated by the committee on finance; by whom the charge was specified to be 45,940,452*l.*, instead of 46,625,392*l.*, and this would make a considerable variation in the result. This too, it should be remembered, was not a matter of estimate and conjecture; but of positive calculation—and was inevitable, unless in case of a new loan, which had not been supposed.

After animadverting farther upon the fallacious data which formed the groundwork of the right hon. gentleman's resolutions, and the erroneous conclusions he thence drew, the hon. member referred to the consolatory prospects held out by the improvement of the country; and said, that he had purposely declined entering at large into the general topics of discussion, conceiving it rather his duty to explain the grounds of his resolutions, and the reasons which induced him; though feeling as he did, the highest deference for the right hon. gentleman's judgment and authority upon these subjects, to oppose his resolutions He concluded with moving the previous question.

The *Chancellor of the Exchequer* thought it would be unnecessary for him to trouble the House with a repetition of the arguments that had been so ably adduced by his hon. friend, especially as the right hon. gentleman opposite seemed to admit the grounds of his hon. friend's argument, except as to about 500,000*l.* exchequer bills, with regard to which he had contended, that before issuing these exchequer bills, the old ones should have been discharged: but any gentleman who had attended to circumstances of notorious fact, very well knew that the amount of exchequer bills newly required was not that mentioned by the right hon. gentleman, and that the bills issued this year paid for those that had been in circulation last year. From the present great demand for exchequer bills, he had already been enabled to discharge all that had been in circulation up to October last; and, however ludicrous it might sound, he was induced to believe, that at the close of the year there would more probably be a scarcity of these bills in the market than a difficulty in disposing of them. But as to the state of our resources, he had no hesitation in stating, without any disposition to cast blame upon the decision of that House, that had the system of finance proposed by government been maintained, there would now be no question as to the capability of the country, as to the discharge of the public debt, or as to the competency of our means to meet the supplies of the year [hear, hear!]. This he declared to be his decided opinion, and he had never hesitated to express it; and, if any embarrassment should occur, it would be the duty of parliament to supply the remedy, which would not have become necessary, had the proposition of government been acceded to. He trusted, however, that the vote of the House upon that proposition would not lead to the injurious consequences that were apprehended, and that still the public wants would be fully supplied, while a reduction of the public debt would go on. But, yet it was fair to say, that if any falling off should take place in the credit of the country—if those hopes which he was encouraged to indulge should prove fallacious, it would become the duty of parliament to adopt vigorous measures for the improvement of our financial system. He believed that the necessity for such vigorous measures would not arise, but parliament must be prepared for all events: but his hope was, that the four and five per cents. would be soon paid off even with our present means, while the amount of our three per cents. would also be reduced, and he was induced so to calculate from the extraordinary improvement within the present year. The right hon. mover professed to think this improvement quite marvellous and unaccountable; but he thought it might be accounted for upon very rational grounds. For it was known that at the close of the last year there was a great accumulation of capital, and from the wild and mischievous suggestions that were put forth, especially as to the reduction of the interest of the public debt, and the application of the sinking fund—which suggestions were indeed echoed in that House—a great alarm was created among the stockholders. But the wise and resolute declaration of parliament having dispelled this alarm, confidence and credit were restored, and the stocks naturally rose. Parliament had also done much good by adhering to the system of the corn laws, which whatever difference of opinion might prevail respecting its merits, could never be so injurious as perpetual shifting upon such an important subject. Here the right hon. gentleman recited the grounds upon which his calculation as to the improvement of our resources rested; 1st. as to the improvement of our public credit, demonstrated by the advance of the funds; 2dly. as to the reduction of the interest upon exchequer bills; 3dly. as to the resumption of cash payments by the bank, which had already virtually taken place, and which, he maintained, would be complete at the period fixed by the law, unless prevented by some extraordinary shock in our commercial or political affairs; and, 4thly. as to the reduction of our public debt, there was another encouraging event upon which he felt himself entitled to dwell—he meant the issue of the new silver coinage, which he considered of great importance, while it was an operation performed with more celerity and success than any thing of a similar nature which the country had ever witnessed. But he anticipated still more favourable results in the course of the next year, and that with the prospects of the harvest which now appeared, there was every reason to expect that the prosperity of the country would be completely restored, in its foreign as well as in its domestic affairs: for, as the prospect of a productive harvest presented itself also in other countries, our commerce with those countries would naturally revive. And here he thought it right to contradict an idea which was always a calumny with respect to this country. It was uniformly false to assume that England could ever derive any advantage from the calamity or depression of other nations. Even in war this assumption was totally unfounded, but to urge such a notion in peace was quite preposterous; for neither England nor any commercial nation could be benefited by the poverty of its customers. This notion was, however, always foreign to the policy of England, which, he felt confident, was superior to any narrow selfish views, for her liberality was equal to her power, and that power was fully competent, notwithstanding the gloomy prognostics of some gentlemen, to meet any danger that could possibly assail her, while the spirit of her people continued to co-operate with the wisdom of her parliament.

Sir *H. Parnell* had heard with great surprise the right hon. gentleman say, that the distressed financial state of the country was owing to the rejection of the property tax in the last session; he thought other reasons would occur more readily to every one who heard him; but if there was any foundation for the assertion of the right hon. gentleman, how had it come to pass that, in the third year of peace, a chancellor of the exchequer should be obliged to say, that there existed a necessity for that most grievous war tax, the property tax. If the financial distress of the country was traced to its proper source, it would be found to have been produced by the war; and not merely perhaps by the war, but by the shameful prodigality of each successive administration in the management of the war. It was sufficient to refer to the report of the committee of finance upon the ordnance, to show to what a pitch that extravagance was carried; it appeared in that report, that nine millions were expended during the war upon the Chatham and Plymouth lines, Spike island, Weedon Beck, and similar works, without any occurrence happening, of the utility of these works being once put to the proof. It was to this scandalous waste of the public money by every public department, that the country was reduced to its present financial difficulties. To remove them the right hon. gentleman said he was always ready to adopt vigorous measures—But what were those vigorous measures? New taxes, and among the rest the property tax. They admitted the necessity of equalizing the income and expenditure, but their manner of doing so was to raise the income to the level of their own scale of expense. They would not adopt the only plan that could save the country from ruin, which was to lower the expenditure to the level of the income, nor apply vigorous measures to this object, in setting on foot a most rigid system of economy and retrenchment in every department of the state. The country could now no longer be deceived as to the intentions in this respect of the ministers; because the fourth report of the committee of finance contained their own statement of what the expenditure was to be in the year 1818.—There was no reduction below that of this year, except of about 500,000*l.* for the army and about 70,000*l.* for the ordnance. This showed that the ministers intended to keep up the present large standing army, and that they had no idea of making any sincere retrenchment in the expenses of the public services or of the public departments. The right hon. gentleman told us we might look forward to higher prospects; but the country would be deceived if it did so, because it appeared by the fourth report of the committee of finance, which was in fact the report of the right hon. gentleman, that upon the estimate of the probable income and expenditure of the year 1818, we should have to borrow, in this third year of peace, about twelve millions to make good the deficiency of the revenue. But it was to be observed, that this estimate was founded on the erroneous calculation that the income of 1818, would be equal to the average of the income of 1815 and 1816—which gave an amount higher than the income of 1816 by near three millions. If the estimate had been made upon the supposition that the income of 1818 would be the same as the income of 1816, the sum to be borrowed would be nearly seventeen millions. The income would, in fact, do little more than pay the interest of the debt in 1818, and we should have to borrow the whole sum, excepting a few hundred thousand pounds for the peace establishment, amounting to seventeen millions.—The hon. member concluded by saying, that he regretted the state of the session would not admit of this subject being gone into as fully as its importance required it should be, he hoped it would be taken up and thoroughly examined early in the next; in the mean time the country ought to take warning of the notice the right hon. gentleman had given it, of his intention to have recourse to vigorous measures; and by timely efforts to prevent the right hon. gentleman and his colleagues from again inforcing upon them the burthen of the property tax.

Mr. *W. Smith* had no hesitation in declaring, that he thought the present situation of the country required a relaxation of taxation, and that it would be well purchased, either by a reduction of the interest of the national debt or the application of some part of the sinking fund to the ways and means of the year. He could never think any measures wild or mischievous that might preclude the necessity of forcing upon us again the income or property tax. After some allusions to the state of the sinking fund, the hon. gentleman treated the financial system at present pursued as the greatest delusion, and observed that any man must be blind not to see that we should be worse off every year, unless the interest of the debt were reduced. It was in vain to dispute that there had been this year taken from the sum for the reduction of the national debt, no less than 14,729,000*l.* This sum had not been raised from the people, and would be to be raised by them. It had not been paid off, and therefore it remained to be paid off. The hon. gentleman then alluded to the raising of the stocks, which he considered as an artifice, and argued that by the rise of the 3 per cents. from 65 to 75 there was now 25,000*l.* less stock purchased on the three or four buying days, than when they were at that price, making the redemption of the National Debt 5,000,000*l.* a-year slower than it would be if they continued at that price. He agreed, that it was better to borrow money this year by exchequer bills than to raise it by taxes; but this was only putting off the evil day: and he repeated, that it was only by the application of the sinking fund to the purposes of the year, that the right hon. gentleman would be able to avoid his difficulties. At all events he sincerely hoped never to see the income tax revived.

Mr. *Grenfell* allowed, that, under all the circumstances of the case, the plan of the chancellor of the exchequer was the one which seemed most likely to be conducive to the interests of the public. The issue of exchequer bills was unquestionably preferable to a loan, since it enabled the commissioners for the reduction of the debt, with money which bore an interest of only 3 per cent. to extinguish an equivalent portion of debt bearing an interest of 4 per cent. There was a collateral advantage likewise, in this mode of proceeding still more important, namely, that it had a tendency to enhance the value of funded property; although he admitted, that, in that respect, there ought to be a limit to its effect. He also approved of the abstinence of the right hon. gentleman from proposing any additional burthens on the people for the purpose of carrying on the service of the year. The people had a right to demand, that while the country continued at peace, no new taxes should be levelled on them. Any attempt of that sort, indeed, would prove impracticable. He approved of the determination of the right hon. gentleman, under the present circumstances, to give no interruption to what was called the sinking fund. It was desirable to maintain that machinery, which, during the war, had certainly had the effect of keeping down the funded debt. But if it should ever be proposed to maintain it by increasing the funded debt, or in other words, to reduce one part of the funded debt by increasing the other, he should repeat those objections which he had formerly urged to a proceeding that must necessarily be wholly inoperative as it regarded the public interest, and advantageous only to the loan contractors. As to the resumption of cash payments by the Bank, he had never denied the probability of that resumption at the period alluded to; but had merely denied the assertion of the right hon. gentleman, that the payment in specie by the Bank of their small notes issued previously to January 1816, was a virtual resumption of cash payments.

Mr. *Baring* said, there could be no doubt, notwithstanding the delicacy which had been professed on the subject of touching the sinking fund, that, to all practical purposes, it was completely swept away. It was a mere form that was continued, and not the substance. Above all things it was most important to maintain the public credit. No man of common sense would propose to shake that which was so valuable in a pecuniary point of view, putting out of the question the shock to moral feeling which any dishonourable proceeding towards the public creditor must occasion. The right hon. gentleman opposite, when speaking of the financial difficulties of the country, always threw in the teeth of his opponents, the rejection of the property tax, as if it were one of the main causes of those difficulties. Many of the right hon. gentleman's friends, however, had actively opposed that tax; and looking at the situation of the country during the last twelve months, he would ask, what would have been its plight had the tax been continued? The country gentleman would have been called on to pay the tax on rents which he had never received. The merchant would have been called on to pay the tax on profits which he had never made; and so on of the other classes of the community. He now came to consider the state of the revenue. The right hon. gentleman thought it would increase. He (Mr. B.) should be glad if no diminution took place in it. He strongly recommended a decrease in the custom duties. If they were continued at their present rate, which was never contemplated for a time of peace, smuggling would increase, and the revenue be still more deteriorated. When a smuggler could buy a pound of tea at Flushing for 2*s*. 6*d*. which sold in London for 8*s*. no attempt to prevent his smuggling it could possibly be successful. As with tea, so it was with spirits. In the article of silks also, smuggling was carried on to a very great extent; the proof of which was to be found in the fact, that although silks were in much greater use now than formerly, yet that the British manufacturer was ruined. Had ministers been forced during the war to observe the same economy that they had recently been compelled to practise, at least 100 millions would have been saved to the country; without any reduction of the vigour with which the contest was carried on. The most profuse system of expenditure had existed in all quarters—East, West, North, and South. This was in a great measure attributable to the facility with which money was borrowed, in consequence of the restriction of cash payments at the Bank, and the consequent issue of a paper circulation. Even since the peace, it had been very difficult to make ministers economical. A noble lord had confidently declared, that the peace establishment could not be reduced below 22 millions. It had nevertheless been reduced to 17½ millions. The only source from which great financial improvement could be expected, was the civilization of Ireland, if, without offence, he might use such an expression. He was convinced that 4 millions might be derived in that way, both by the reduction of the present military expenditure in that country, and by the better collection of the revenue. He had strong hopes, that when political disputes connected with Ireland were at an end, and should no longer be made use of as a ladder to political power, that we might look to that country as affording the means of greatly increasing our financial resources. He had no difficulty in stating it to be his opinion, on a view of the general trade of this country, that it was reviving; and that although it would never return to the unnatural state in which it existed during a great period of the war, it was rapidly approaching to a sound and healthy condition, which was much to be preferred.

Mr. *Huskisson* defended his noble friend from the misrepresentation of having ever said, that 22 millions must be the ultimate peace establishment of the country. What his noble friend had expressly declared was, that 22 millions was the amount to which alone it could be reduced in the first year after the conclusion of the war; but that it might be subsequently susceptible of a greater reduction, which reduction it had accordingly experienced. As to the supposition, that 100 millions might have been saved during the war by greater economy, the thing was impossible, as the checks and regulations, which it was very easy to enforce in peace, were impracticable during an extensive war, when a larger discretion must necessarily be allowed to those entrusted with the execution of naval and military operations. As to the nine millions which the hon. baronet said had been uselessly expended in fortifications, it was very easy when the danger was over, to talk of the precautions having been unnecessary. With respect to the assertion, that the revenue of the country was not at present more than equal to the charges, the same had always been the case at the conclusion of a peace. In 1786, when the sinking fund was first established, the country had been three years at peace, during which three years great additions had been made to the taxes. Mr. Pitt had then stated, that when the country should arrive at the permanent peace establishment, a surplus of one million might be looked to as applicable to the reduction of the debt. No specific period for the accomplishment of that object was, however, stated by Mr. Pitt. Now we had been only two years at peace, and instead of increasing the taxes, a number of taxes had been remitted. The two periods, therefore, were not fairly subjects of comparison. There was in 1786, a deficiency in the receipts as compared with the expenditure of 4,884,000*l.*—What did Mr. Pitt do that year? Precisely what his right hon. friend had done this year. He added no less than 5,500,000*l.* to the unfunded debt, by the issue of exchequer bills to cover the existing deficiency. He owned he heard with some surprise from his right hon. friend (Mr. Tierney) his account of the situation of the country during the last war. According to that account the period of the American war was one of nothing but distress, and that of the last war was nothing but one of abundance. And yet during the last war they were constantly told by his right hon. friend, that the country was in such a state of ruin and distress that nothing could exceed it. But now they were told that they were labouring under some mistake on this subject, and that his right hon. friend was not talking of the last war, but of the American war. As he could not help thinking the gloomy views which many gentlemen entertained on this subject were unfounded, he would enter into the reasons why he entertained the opinions which he did on the subject. But the whole turned upon this—Whether the diminution of the revenue was owing to any thing like decay in the internal resources of the country, or whether it was owing to causes of a temporary nature? He took the main causes of our present difficulties—he meant the remote and predisposing causes to be of a complicated nature, partly political, and partly financial. During the war a very extraordinary excitement was given to our agriculture and trade, and above all to our foreign trade, It was impossible, too, to forget the state of the currency during the war—and the unbounded facility which speculators found in the unlimited issues of paper, and the state of the country banks. This facility of speculation coupled with other causes, led to the overtrading, which again led to our present difficulties. The immediate cause of these difficulties, was the transition from a state of war to a state of peace, coupled as this was with some circumstances peculiar to the character of the late war. It had always happened to this country on a transition from a state of war to a state of peace, whether that war was calamitous in its result, as the American war had been, or fortunate in its issue like the present, that the active classes of the country were placed by the peace in a state of great embarrassment—that trade was in a most distressed state, and that the industry of the country was paralyzed. If the state of the country, at the end of every former war, had been the same in this respect as it was at the termination of the present, there must be some general cause in operation to produce this effect. It was obvious, that a number of channels of industry on the breaking out of war were interrupted, and the industry turned into other channels arising out of the war. Again, on the return of peace, the industry to which the war peculiarly gave rise was suddenly stopped. The present war, too, terminated more suddenly than any former war. It had also happened, that about the close of the war a considerable importation of foreign corn had been followed by a very abundant harvest. It was well known that the greatest exertions were made at the close of the last war. The productive powers of the agriculture and industry of the country had received the greatest encouragement from the increase of prices which had been going on during the war. This made the distress occasioned by the cessation of the immense demand occasioned by the war, be more felt than it otherwise would have been. But what had been the effect of the war on the currency of the country? During the war a facility had been given to speculation, by country banks. The country bankers were tempted to give not only large credit to others, but to embark in extensive speculations themselves, by seeing prices rise from day to day. The borrower was tempted to borrow, by seeing the value of what he borrowed diminished from day to day by the increase in price; and the lender was tempted to lend, by finding in this rise of price an additional security for his money. But when the fall in price took place, the creditor had no longer the same security; and a fall in price always diminished the demand, for no man wished to add to his stock in a falling market. Such was the situation of the country from these causes, that all last year, and the beginning of the present, it was impossible, out of London at least, to procure money at the legal interest. He needed not to enlarge on the effects of this, on a nation like this with its poor laws, and with its numerous burthens, all sustained by the activity of the country. When prices were continually rising all the active classes were benefited, and annuitants alone were placed in a worse situation. But it was better that any loss should fall on them than on the productive classes. The effect of a rise in price on them would perhaps force them to greater economy, and at most abridge their comforts; but while they were reduced to this, the other classes were benefited. But the effect of a falling market on the industry of the country was very different. If the value of a man's stock were only reduced 1-10th in value perhaps that 1-10th might amount to the whole of his own capital, the 9-10ths might be borrowed. The fall naturally alarmed the creditor, who, by urging his demand forced sales by which the difficulty was increased. In such a state of things, it was impossible that the revenue, depending, as it did, so much on the active classes, should not fail. This re-action, produced by a return from war to peace, and the cessation of the war expenditure, had been immediately followed up by an aggravation of the difficulties of the country in the calamity of a deficient harvest. The peace had sent into the market 500,000 persons, who, from being consumers, became competitors, for production. All these causes had produced the effects which they all had witnessed, but for which it was impossible there could be any immediate remedy. We had found ourselves, during the greatest part of this year, in the greatest distress from these circumstances. The only articles above value were money for production, and bread for the active part of the population; and nothing could be so distressing to a country as a scarcity in these, and a glut in all other articles. This was the situation of the country, particularly since the failure of the last harvest. His only surprise indeed, was, that the revenue had not fallen off more. A falling off of 10 per cent., on a revenue of 50 millions was not so wonderful when a scarcity of provisions happened to take place, when there was full employment for the people, the revenue was not affected. What would be the effect of this stagnation in our manufactures? It happened at present, that while the consumption was not diminished, the supply of all those who furnished goods to the country was diminished. But, if consumption went on at the same rate, and the supplies diminished, the effect would necessarily be, that the stocks would be exhausted, prices would necessarily rise; and then when prices rose, a demand for labour would take place, and confidence and credit return. It was impossible that credit could improve but with an increased demand, and to this increased demand, in the nature of things, we might confidently look. And if there should be, as he trusted there would, not only in this country, but in all Europe, an abundant harvest. It was impossible but that the situation of the country and its revenue must improve. In another session, too, they would enter into a consideration of the state of our currency and of the country banks; not, he trusted, with a view to check issues or credit, but to place them on a more secure footing than they had been on during the war. He would state, that we were approaching to a state of confidence and credit, and that the industry of the country was reviving. Of this sufficient evidence was laid before the committee. It was proved that the leading branches of our manufactures were improving: and in the very nature of things this must take place. His right hon. friend could not suppose that the active classes in this country could remain for ever without employment, and that the whole of our immense capital would lie dormant. He thought, therefore, that gloomy views of the situation of the country ought not to be entertained. He should rather think, after the exertions of the war we might look forward confidently to a state of still greater prosperity than that which existed prior to the late re-action. Our situation must be one of progressive improvement, if we followed those principles which sound policy, as well as our duty, pointed out to us. It must be our policy to cherish and preserve the peace of Europe. We were approaching to a state of healthy circulation, and he trusted that with regard to this point in future we should not depart from sound principles. During war public faith had been kept, and he trusted that in peace we should not abandon that honourable course. He trusted, too, that every means of practical economy would be resorted to, that the House would do every thing to prepare the country for the reception of more liberal commercial arrangements, which would have the effect of disarming foreign countries of their jealousy towards us. The right hon. gentleman concluded with observing, that he was warranted in entertaining the sanguine opinion, that we should soon return to our former state of prosperity.

The Resolutions of Mr. Tierney were then successfully proposed and met by the previous question; after which, Mr. Grant's Resolutions were put and agreed to, as follow:—

1. "That the total amount of the funded debt, of the United Kingdom, unredeemed,

was on the 1st February 1816	£.810,046,036
And on the 1st February 1817 -	790,050,980
Being a diminution of - - -	19,995,056

2. "That the total amount of the unfunded debt, in exchequer and Irish treasury bills, was, on the 5th January 1816,

In exchequer bills - -	41,441,900	
In Irish treasury bills	2,497,808	
		43,939,708
And on 5th January 1817,		
Exchequer bills - -	44,463,300	
Treasury Bills - -	5,304,992	
		49,768,292
Being an increase of - - - -		5,828,584

3. "That the sum to be expended by the commissioners for the redemption of the funded debt of Great Britain and Ireland,

in the year 1817, may be estimated at	14,464,443
And that provision has been made for paying off navy and transport debt within the same period, to the amount of - - - - - -	1,660,000
	16,124,443

4. "That the amount of exchequer bills

outstanding on the 5th January 1817, was - - -	44,463,300	
And of Irish treasury bills - - - - -	5,304,992	
		49,768,392
That the amount of exchequer bills and of Irish treasury bills, granted in the present or former session, which will be outstanding		

on the 5th January 1818, should the whole of the supplies of the current year be then issued, will be,

In exchequer bills -	60,000,000	
In Irish treasury bills	4,684,992	
		64,684,992
Increase of unfunded debt unprovided for (exclusive of any excess of charge upon the consolidated fund of the United Kingdom, beyond the income thereof) of - -		14,916,700

Being less by the sum of 1,207,743*l.* than the sum of 16,124,443, which as before stated, will be applied in the course of the year to the reduction of funded and unfunded debt; viz.

Sum to be applied to the reduction of debt - - - - - - - -	16,124,443
Increase of unfunded debt - -	14,916,700
	1,207,743

HOUSE OF LORDS.

Thursday, July 10.

Poor Laws.] The Earl of *Hardwicke* presented a Report from the committee on the Poor Laws. It could hardly have been expected that the committee, during the short period that elapsed since its appointment, could have fully examined the subject, or have collected so much information as to enable it to give any decided opinion as to what ought to be done: but he was not sorry that such a committee had been appointed, because it had at least collected some information well worthy of their lordships attention. It was not his intention to enter into the particulars of the report; but if any measure were adopted, founded upon the subject of the report, he trusted it would come from the executive government; ministers having, from their situations, much better opportunities of forming a correct judgment as to the proper course to be pursued than other persons enjoyed.

The Earl of *Liverpool* could not allow the occasion to pass without saying, that no examination had ever been conducted with more candour and liberality, or with a stronger disposition to attend to every view in which the subject could be represented. It would certainly be improper at present to propose any measure founded on that report. It would be necessary to investigate this important subject much more fully and extensively, before their lordships could venture to come to any decided conclusion: and, whatever measures might ultimately be adopted, he believed that much would be found to depend on the due administration of the existing laws. The reports of this and the other House contained a great body of valuable evidence; and much good might be done by their lordships during the recess, by collecting in their several counties all the information that could be procured on this very interesting subject.

Slave Trade.] Lord *Grenville* said, he had to call the attention of their lordships to a subject of as much importance as any that under any circumstances could come before them. He disapproved of the practice of introducing measures of importance at a late period of the session, but the case to which he was about to advert was an exception, as the proper course undoubtedly was, to wait until nearly the end of the session, in order to ascertain what had been done by his majesty's ministers, in order to obtain the total abolition of the African slave trade. It had been stated some years ago, that our abolition would do nothing, unless other powers could be induced to join in it. But even with the knowledge that not one human being the less would be torn from the coast of Africa, that one drop of human blood the less would be shed, still he would have pressed the abolition on our part, that we might be exonerated from the guilt of this detestable traffic; if other powers chose to continue it, upon their heads be the blood, we should be free from the stain.—Much had, however, happily been done to induce other powers to join in the abolition of this odious traffic. France and Portugal had been induced to abolish it, and this had undoubtedly been a great gain to the cause of humanity. They should recollect, however, that if they did little, very little would be done; that if they were feeble in their exertions, trifling would be the result; it was only by perseverance they could gain the advantage they looked to, and which, for the sake of humanity, he trusted would ultimately be obtained. It was also too true, that this abominable traffic was now carried on to a very great extent, as appeared by documents that had been handed to him; that it was carried on under the flags and by the subjects of Portugal, of France (in one instance under the Dutch flag), and of

America. But more than all was it carried on under the flag and by the subjects of Spain; and it was indeed a mortifying circumstance, that the very spot in Africa where we were making the most praiseworthy attempt to introduce civilization, had been chosen by Spain for the purpose of introducing all the horrors of the slave trade, as if for the express purpose of breaking down all the means so justly attempted for the purpose of civilizing the natives of Africa, and keeping them in a continued state of barbarism. It was a melancholy fact, that this trade, carried on under these circumstances, was conducted in a way the most shocking to humanity. In the course of the discussion in parliament, on the abolition of the slave trade, all parties agreed in passing a bill for the purpose of doing away the horrors of what was technically called the middle passage. But in the way in which this most inhuman traffic was now carried on, the horrors of it were redoubled, there being no check or control over the inhuman oppressors of their fellow men. It was impossible for any one in the shape of a human being, to read the accounts of the atrocities committed in this way, without shuddering at their barbarity. His lordship here read the affidavit of a British officer [lieutenant Eike; see the speech of Mr. Wilberforce in the House of Commons yesterday] respecting the inhuman treatment of slaves on board a Portuguese vessel, which had been captured, and referred to documents, respecting the barbarous usage of slaves on board Spanish vessels engaged in this trade. That these inhuman outrages should be continued was most afflicting to humanity, whilst the manner in which the trade was carried on rendered it still more outrageous. The vessels employed in it were armed for warlike purposes, and it was too much to say that vessels were to be employed, so armed, to carry on a peaceful traffic; they were, in point of fact, engaged in perpetual contests with British vessels, they were armed for that purpose, and such contests must lead, sooner or later, to actual hostilities. Under such circumstances, and when the allied powers had come to the determination of using all their efforts to abolish the slave trade, having also, as they had done very wisely, interfered by way of mediation to prevent hostilities between Spain and Portugal, his majesty's ministers would undoubtedly be justified in applying to the allied powers for their interference to prevent those hostilities between this country and Spain, which must unavoidably be the consequence of these continual contests with Spanish armed vessels. It was by means of efforts of this nature that we must look for the final abolition of this odious traffic. He did not mean to impute the least neglect, upon this point, to his majesty's ministers, but it was absolutely necessary that parliament should not relax in their efforts in this cause of humanity. His lordship concluded by moving an address to the Prince Regent, couched in the same terms as that moved in the House of Commons yesterday by Mr. Wilberforce.

The Earl of *Liverpool* expressed his assent to the address of the noble lord. He never entertained but one opinion respecting the making the abolition effectual—that it was necessary that the measure should not only be adopted by Great Britain, but acceded to by all other nations. Much, however, still remained to be done, to induce the powers who still continued the trade to agree to its abolition. There was one consolation, however, in the consideration of this question—that whatever evasions existed, as applicable to the flag of other countries, there was no imputation whatever of any abuses having been practised under the British flag. Prudential considerations prevented him from entering into any detail of the steps which had been taken by his majesty's government with a view to the accomplishing the abolition of the slave trade. There were still negociations in progress of an important nature, which, he hoped, might still be brought to a satisfactory issue. And unless some unforeseen circumstances occurred, he was in the full expectation that it would be in the power of the executive to make in the beginning of the next session, a communication to parliament of the result of their negociations.

The address was agreed to unanimously.

IRISH GRAND JURY PRESENTMENTS BILL.]—The Earl of *Liverpool*, in rising to move the third reading of this bill, observed, that it was a measure of very great importance. The subject was one that had undergone the most serious consideration. In another place, a committee had been appointed to inquire into it, and they had recommended, that some alteration should be made in the grand jury system of Ireland. The object of the bill was, to meet that recommendation. The business of the grand jury was divided into the civil and criminal departments. The civil business was so extensive, that, with the most honest intentions, the grand jury could rarely get through it. A mass of business thus grew up, in the criminal way, which they were totally unable to discharge. In consequence, depositions were taken before magistrates, on which bills were founded, instead of evidence being heard in the usual way. This part of the subject had come before their lordships in a former session—when a bill was passed, assimilating, in this respect, the laws of the two countries, by which it was provided, that the grand jury should have *viva voce* evidence before them, to enable them to decide, instead of acting on depositions taken before magistrates. This, again, would throw an additional weight of business on the grand jury, who, in consequence of proceeding with the examination of witnesses, would be prevented from attending properly to the presentments. Therefore some alteration was necessary in the system. Besides this, it was to be observed, that, in Ireland, grand juries levied money; a privilege which, in this country, was only vested in parliament. Such a power was liable to abuse, and ought to be guarded against. The present bill went to remove the opportunity of acting corruptly, at the same time that it did not alter the whole system, as it now existed. It did this—it brought the subject-matter of presentments into court, stripped of local prejudices and affections. That presentments should so be introduced was for the general benefit of Ireland. In effecting this object, it was necessary that new officers should be created. It was very well to talk of the patronage of government, and to exclaim against it on all occasions, as being used for corrupt and sinister purposes; but, where local prejudices existed—the prejudice of man against man—the patronage of government might, very often, be exercised to the general advantage. With respect to those who, under this bill, were to report on the propriety of presentments, they were to be professional men, examined regularly before a properly qualified board. The power of presenting was not done away altogether by this bill; but it was deemed proper to regulate it. Some restrictions were conceived to be necessary, in order to rectify certain imperfections which appeared in the system. It was his firm belief, that the present bill, as an incipient step, subject, however, to future alterations, would be found most useful.

The Earl of *Donoughmore* said, that the bill would operate a great change in the system under which grand juries at present acted in Ireland. He was absolutely astonished, when he found that the bill was the result of three years' deliberation in another place. The bill proceeded on the principle of alteration only—of alteration, without any commensurate benefit. If the sheriffs appointed good grand juries in Ireland, no alteration whatever would be necessary. The public money was, however, squandered away for private purposes. The county member, by his influence, frequently appointed the sheriff, who nominated the grand jury, and thus one-half of the county was frequently fleeced for the benefit of the other. If measures were taken to give Ireland disinterested grand juries for one year, and at the expiration of the period, complaints still existed, then the noble lord might say, "We have done every thing possible for the amelioration of this system. There is, however, something radically bad in it, and it is necessary to take away from Irish grand juries the right of applying money." The only reason he could perceive for the present measure was this—that the more money the grand juries appropriated to the making of roads and the raising of bridges in Ireland, the less could she contribute, in taxation, towards the expenses of this country; therefore, it was, perhaps, deemed necessary to abrogate this power as far as possible. The present bill gave to government a patronage of 15,900*l.* a year, and planted a portion of that patronage in every county: thus giving the administration an additional influence in the support of those parliamentary candidates whose cause they espoused.—There was to be one supervisor, or civil engineer, in each county, to report on the improvements necessary to be made, Now, in the county of Tipperary, there were eleven baronies, each of which had a supervisor of its own. It was supposed that the sole attention of one person was required to watch the presentments in a single barony; but, according to the provisions of this bill, one man would be employed to do the business, which now fully occupied eleven. It was, in fact, almost as much as one man could do to supervise the works of a barony. He must first see every road, or bridge, or work, intended to be presented, and it was his business to state his approbation or disapprobation of the proposed measure. This was the business of one assize. Before the ensuing assize, he must examine whether the work was fairly executed or not, and whether the sums charged had been properly expended. But the alteration of the system went to make one man, in an extensive county, 50 or 60 miles from end to end, perform the complicated duties which were now attended to by eleven persons. The bill gave an increase of patronage to the government, while it took away from the grand jury the appointment of their own local officers. This, he thought, was not fair. He observed, by one of the clauses of the bill, that the metropolitan county was exempted from its operations. For this he could see no reason whatever. The present was a bill of great detail, it permitted the levying of money in the different counties of Ireland, and yet it was passed over as unimportant. If the other House were three years investigating the subject, why should time be refused to their lordships to consider it fairly? The noble earl concluded by moving, "that the bill be read a third time this day three months."

The Earl of *Limerick* said, the bill was introduced for the purpose of abolishing a system of consummate plunder, which had been acted on Ireland for a series of years, and which chiefly afflicted the lowest part of the population. The higher classes contrived to withdraw their own shoulders from the burthen, and to place it on those of their poor neighbours. The noble earl had made an attack on government, who, he argued, wished by this bill to secure the privilege of plundering the people—of appropriating the money intended for roads and bridges, to other purposes. The provisions of the bill did not bear out this assertion. They did, indeed, deprive grand juries of the power of jobbing, and of expending the public money for private purposes; but they did no more. This very power was one of the greatest grievances Ireland laboured under, and it was time it should be removed. The money swallowed up by presentments was little short of a million a-year, while the general revenue of the country did not much exceed four. By whom was this power exercised? By grand juries, appointed by the sheriff, who were anxious to receive emoluments themselves, or to procure them for their friends. What became of them, if their presentments were discovered to be improper? They were not to be found. The moment the mischief was done, they were dispersed all over the country—they were not tangible—they could not be grasped. Under the present system, one-half of a county was fleeced for the benefit of the other. This bill was intended to do away so disgraceful a system, and would, beyond a doubt, effectually put it down.

The Earl of *Caledon* defended the conduct of grand juries in the northern counties of Ireland, and observed, with respect to the expense of public works, that it was compulsory on grand juries to present for roads in Ireland. He was hostile to the general principle of this bill. If it were enacted, repairs would take place only during the summer assizes, and not when they might become necessary.

The Earl of *Blessington* objected to the bill, which he thought unnecessary or injurious.

The Marquis of *Lansdowne* rose to support the bill, from a conviction of the importance and difficulty of dispensing the large sums of money which were to be disposed of by the grand juries of Ireland. The various duties of the grand juries of Ireland had so much increased of late, that it was impossible for them to discharge them to advantage. The public works had risen to such a height, and the amount of money to be expended had so much increased, that it was high time to impose some check on those who had the disposal of it. The restraints imposed by the bill were not probably the best that could be imposed; they were possibly of a nature which threw too large a patronage into the hands of the Crown; but precautions were also taken to obviate in some degree this inconvenience, and the restraints, if not thus applied, might be sought for in vain in other quarters. By a bill which had been passed in the last session, and which had been introduced by an hon. and learned friend of his (Mr. Horner), whose memory he should ever revere, as he had admired his talents and respected his private virtues and eminent public qualities—by that bill the business of grand juries in Ireland had been materially increased by compelling them to examine *viva voce* evidence. The consequence of this increase of business was, to disable the grand juries from investigating all their presentments; and indeed it appeared from the report of a committee of the House of Commons on this subject, that they neither had time to examine the presentments they voted, nor after they had granted them, to inquire into the manner in which they had been carried into execution. He understood that a million of money was annually disposed of by grand jury presentments in public works. Without imputing to Ireland a greater degree of weakness than belonged to other nations, he could not avoid apprehending ill consequences from the temptation to dishonesty which the command of such a sum of money offered. This required some control, which the present bill provided.

The amendment was negatived; after which, the bill was read a third time and passed.

HOUSE OF COMMONS.

Friday, July 11.

Motion for a New Writ for Wicklow in the Room of Mr. Ponsonby.] Mr. *Lamb* rose and spoke as follows:—

It having fallen into my hands, in the absence of those upon whom it would more naturally and properly have devolved, to make the motion, unfortunately rendered necessary by the heavy loss which this House and this country have recently sustained in Mr. Ponsonby, it would neither be doing justice to the eminence of him who is gone, nor to the situation which he filled in this House, nor would it be suitable to the peculiar circumstances of the calamity, which has deprived us of him, nor indeed could I reconcile it to the respect, the regard, and the affection, which I bore him, if I were to treat it entirely in the common form, and to content myself with placing in your hands the customary question, as upon an indifferent and ordinary occasion. Some tribute is due to the memory of the dead, and, as far as my observation goes, it is no less required to satisfy the feelings of the living, —and when I say the living, I do not mean those only who were connected with him by the ties of blood or of friendship,—I do not mean his family, his relations, his friends;—I use the expression in a wider sense; I mean the members of this House, I mean the community at large, those who knew him only as a public man by his public character and conduct, and by the share he took in the discussion of public affairs; for never upon any former occasion, frequent and melancholy as those occasions have recently been, never have I witnessed a more unequivocal and universal testimony of respect, nor a stronger expression of sincere regret and heart-felt sorrow.

With respect to the events of his life, passed as that life was in the public service and in the eye of his country, it is not my intention upon the present occasion to enter into any detail; particularly not with respect to the earlier period of his career in his native country, with the circumstances of which I must necessarily be very imperfectly acquainted. Suffice it to say that he was greatly distinguished in the Irish parliament; pre-eminently distinguished in his profession, insomuch that in the year eighteen hundred and six he was called to fill the highest judicial situation in that country, I believe I may say, with universal assent and approbation;—this was at a period when party contests ran high, when party feelings were warm, and when, therefore naturally the arrangement and distribution of offices was subjected to a very strict and severe scrutiny and investigation,—yet with regard to this appointment I do not remember to have heard a single murmur of dissatisfaction. The important duties of this station, judicial and political, during the short time for which he held it, he discharged with unquestioned ability and integrity; and when in the changes of politics he retired from it, he was very shortly after elected into this House, and placed in a situation which it would be improper in me more particularly to designate, but which all who hear me sufficiently understand. This station he filled through times of great danger, and difficulty, and embarrassment; through times which have exhibited almost every ruinous aspect and appearance that it is possible for human affairs to assume, and which were consequently fruitful in questions of the utmost difficulty and of incalculable importance.—I believe I may safely appeal to his political adversaries as well as to his political friends, whether, throughout that period, he has not uniformly conducted himself with prudence, with judgment, with temper, with candour and firmness, with an ardent love of liberty, with a thorough understanding of the British constitution, and a warm zeal for its maintenance and preservation, with an anxious desire upon all occasions to give the best counsels and to promote the real interests of his country. The manly simplicity of his character was strongly evinced by the style of his eloquence. It was plain and perspicuous; divested of all extraneous matter; entirely free from all effort or ostentation; he seemed only desirous of pressing upon the House the real point of the question, and confined himself to those topics, which appeared to him really deserving of weight and consideration. This unaffected and impressive manner, joined to the mild and temperate firmness of his character, gained for him both within and without these walls a well-founded popularity, and produced a general reliance both upon the soundness of his views and the sincerity of his purposes, which is often denied to more laboured and ambitious eloquence.

When we recollect the great diversity as well as the importance of the numerous questions, which have been agitated in this House during the last ten years, we shall at once feel it to be impossible, but that even those, who in general agree the most cordially, and who the most resemble each other in their opinions, must upon some points have come to opposite conclusions. In the consideration of matters of so much doubt and difficulty, the various biasses which affect the minds of men, the points of view from which they contemplate events and their results, the differences of passion, habits, tempers, pursuits, studies and impressions, will produce differences upon principle of such importance, that they can neither be sacrificed, nor reconciled, nor adjusted. It has, therefore, not unnaturally been the lot of Mr. Ponsonby at times to disagree with those, who loved and respected him, and whom he loved and respected; but, while they found themselves unable to assent to his opinion, they never failed to render ample justice to the earnest care and the thorough sincerity with which that opinion had been formed.

These few observations I have thought it proper to make, not with the vain hope of their being considered adequate to the occasion, but as a feeble mark of respect, for the purpose of gratifying my own feelings and of giving to the House an opportunity of testifying that esteem and regret which, from what I have collected in private, I know to be universally felt. The man whom we have lost, was an honour to the family from which he sprung, and to the country which produced him, fertile as that country is in distinguished characters, and in great talents civil and military. I will not say that we have lost him at a moment when the exigencies of the state could ill spare him,—I will not say that he is "alienissimo reipublicæ tempore extinctus," but I will say that he is gone at a time when the peculiar virtues which he possessed, when his temper and moderation might have been of essential advantage to the public service. His zeal for that service, and his close application to the duties imposed upon him here may not unreasonably be apprehended to have hastened the event we are deploring; and it adds not a little to the awe and solemnity of that event, that we had seen him so lately amongst us, apparently in all the vigour of health, in the full possession and exercise of his faculties, and from his not very advanced period of life, likely, as far as we could see, to retain for years to come the strength and integrity both of his body and his mind;—under these circumstances, he was struck in the midst of us by the hand of death. He never rose again from the couch to which he was borne from this place. For him we trust in the infinate mercy of God. An awful lesson it is to us who remain behind; and we shall not take the worst means of profiting by it, if we recall and recollect and seek after, and imitate the integrity of conduct, the purity of manners, and the innocence of life, which belonged to him, who has been so suddenly snatched away. I have to move you, "that you do issue your warrant to the clerk of the Crown to make out a new writ for a member to serve in this present parliament for the county of Wicklow in the room of the right hon. George Ponsonby deceased."

Lord *Castlereagh* felt it his duty to add his testimony to that of the hon. gentleman who had so eloquently described the loss which the House and the country had sustained, in the person of an able and enlightened advocate in his country's cause. The sentiments which had fallen from him, and which had been so creditable and honourable to himself, had been reciprocated by every member in that House. The feelings incident to the loss of a friend or relative, were undoubtedly acute; but in the next gradation must be placed those attending the decease of a high-minded, candid, and liberal political opponent. Such was the state in which he felt himself now placed. No man in that House, or out of it, entertained more respect for him while living, or more deeply regretted his loss when dead. It had been his fate, both in this, and the late parliament of Ireland, to be almost constantly opposed in sentiment to that right hon. gentleman; yet never had he risen in either House to oppose his propositions, or suggest to him the propriety of his moderating his zeal, without a conscious feeling that the objects he proposed, and the sentiments and arguments by which they were enforced, sprung from the most sincere intentions and the most upright heart.

Sir *M. W. Ridley* felt it his duty to offer on this occasion a few words, as a testimony of respect to the memory of departed worth. The character of the deceased had been always that which had excited in his mind the highest veneration for his principles, and those talents which he so successfully exerted in the cause of his country. The military page of our history would record with gratitude and admiration the achievements and devotion of a Ponsonby in the field; while the historical records of parliament would publish to grateful posterity the self-devotion of the patriot, which prompted him to sacrifice himself to his country's cause, in one of the worst and most critical periods of our history.

A new writ was ordered accordingly.

STATE OF THE NATION.] Mr. *Brougham* said, that if no public principles had been violated during the session, and if at its close they left the liberties of the people on their ancient foundation, and the power of the Crown within its constitutional limits, he would not once more have trespassed on the indulgence of the House; but when the expectations of the country had been so great at the beginning of the session, when the disappointment in its progress was so signal and so afflicting, and above all, when the rights and the liberties—when the personal freedom of every man in the nation was put in the power of ministers, he could not allow the session to close without seeing whether, before separating, they would not be prevailed on to exercise the wholesome duty of self-examination, and to carry to the foot of the throne an humble address, praying that the extraordinary powers which they had given should not be abused. The distresses every where felt at the beginning of the session, all must well remember. He would not attempt to describe them, either in the language used by members on his side of the House, or in the petitions presented by the people. If he were to describe them, he could not wish for apter terms than those used by a noble lord, the member for Carmarthenshire (lord R. Seymour). In the midst of the grievous distresses universally felt, some symptoms might be traced of great discontent, of an anxious desire of change; here and there some disturbances were created by persons, inconsiderable in character and influence, and even in point of numbers—by such persons, who either from defect of intellect, or desire of converting general distress to purposes of plunder, a few breaches of the public peace had been committed. All those symptoms might be traced before the beginning of the session: but there was one symptom universally manifested, and without example in any former period of our history—it was an anxious, universal expectation of redress and relief from our labours. This hope was every where entertained, but was most deeply cherished where the distress was greatest. How did the House answer those expectations? They began, not by relieving, but by restraining them. Ere we asked them their complaints or their wishes, we took away their liberties. When at last we did inquire into their distresses, and found that many means of relieving them were practicable; when ministers themselves agreed that our system of commerce and trade required revision, we immediately passed on to the other orders of the day. In no period of history, in no nation or country, was an instance known of a people, so universally, so strongly, so unconquerably, and in such overwhelming distress and suffering, attached to their natural protectors and guardians, and so confident of attention to their grievances, and of relief from their sufferings. If, when the people met to petition parliament for a redress of their grievances, if when they were evincing their attachment to the constitution by expressing their confidence in the good disposition and wisdom of the legislature, a demagogue had risen up and predicted what had happened, saying "look not to parliament for assistance in your misery, or even a favourable consideration of your sufferings; go not there, the attempt is useless, they will not hear your petitions; they will neglect your representations, and pass to the order of the day," the House would have heard of it as a symptom of disaffection, and a menace of rebellion. Innumerable petitions were presented, and allegations ought to have been inquired into. They were, however, neglected, and no measures were adopted but those of coercion and punishment.—As nothing had been done by the House, as no examination into grievances had taken place, and no plan of improvement was adopted, it might be proper to inquire what amelioration had ensued, independent of parliamentary aid; and what the course of events had accomplished, after ministers had refused to direct it to any beneficial result. He was ready to admit, that in looking at our affairs in this way, the prospect was somewhat brightened. The effects of the late scanty harvest were not so severely felt, and were in some degree removed; an increase had taken place in the value of land; and the price of the funds had risen; our trade, too, had somewhat improved, and hopes were entertained of a continued amelioration. In stating, however, that our commerce was improving, he was bound to say, that there was something rather alarming in the accounts of the last two quarters. He alluded to the scanty supply of last harvest and the consequent revival of the importation of grain under the provisions of the corn bill. The opening of our ports for corn had thus operated as a practical remedy for the depreciation of our general commerce, without being an evidence of its growing prosperity. Corn was the only commodity which, under certain circumstances, could be imported duty free; and the demand for it in the season of scarcity was the only cause, it was to be feared, of the additional stimulus given to our export trade or our manufacturing industry. To show this he need only remind the House, that the customs had in the last quarters fallen off instead of improving; which accorded very well with the fact, that there might be an additional import of corn, but was perfectly inconsistent with any improvement in our general commerce or import. Another symptom of our improving condition was stated to be the rise in the funds; an effect which might be attributed to two causes—the one permanent and beneficial, the other temporary, and rather a sign of distress than a proof of amelioration. The former consisted in the reduction of our national expenditure, and the diminution of our public burthens, by which the savings of individuals were increased, and not being required for the supply of their immediate wants, were invested in the funds; thus creating a demand for stock and raising its price. The latter consisted in the want of employment for capital, in the stagnation of trade, and the want of any other mode of deriving interest for money in the possession of capitalists. This would intirely disappear with the revival of commerce; which, when it took place, would lower the funds, by inducing people to invest their money in more beneficial employment. That there was no unequivocal improvement in the situation of the country, or in the general condition of the people, notwithstanding these alleged symptoms of returning prosperity, might be proved from the experience that every man had of what must be the state of our manufacturers, when an able and skilful weaver could not earn more, by his greatest exertion, than six or seven shillings a week; and from the knowledge of the general distress under which our agricultural population laboured. But even admitting that there had been some improvement, was that a reason why we should relax in our efforts to hasten the return of general prosperity? Were we to refrain from taking steps to ameliorate our condition, because it was not just so bad as it was four months ago? Because we had sunk to a point of distress which we could not go beyond, and were now rising out of its depths, were we to be told that no efforts were to be made for our farther extrication? [Hear, hear!] This he, knew was always the answer of ministers to any suggestion or recommendations of improvement—that we were already rising from our difficulties, and that matters would right themselves. If we could be proved not to be so bad as we were six calendar months ago, they were satisfied, and desired to stand still. This principle of conduct he entirely disapproved of. So long as we could improve our affairs, so long as there was one beneficial arrangement unexecuted, it was criminal to be idle, it was a gross dereliction of duty to stand still with our arms folded and to trust without exertion to the issue of events. It became the House, therefore, to review what was proposed to be done, and what was actually performed.

In this review sufficient subjects of condemnation would occur, without requiring from ministers more than they could have executed, or from parliament more than it could have accomplished. No man charged ministers with the consequence of a bad harvest; no man attributed blame to them for those sufferings and evils that must always more or less attend that revulsion of society, and that dislocation of the relations of manufacturing industry, which are occasioned by a transition from war to peace, however liable they were to change from the long continuance or wasteful expenditure of that war; but sufficient subjects for crimination still remained. They were told, that on the return of peace our system required revision; that the world was placed in new circumstances; that our relations with the rest of Europe had changed; that the progress of events required an alteration of our policy; that the great interests of our commerce, and the body of our commercial regulations, demanded examination; and that the state of our finances, so deranged, should be brought fully under the view of the legislature, to see completely how we stood, and what improvements could be adopted. Now what was done in these circumstances? When he (Mr. B.) brought forward the subject of our trade and manufactures, a right hon. gentleman (Mr. Robinson) who was at the head of the board of trade, and from his situation was bound to have entered on the enquiry, had admitted every thing that he stated, and had candidly confessed the errors of our commercial policy. In his memorable declaration in the House, memorable for the candour with which it was uttered, memorable for the liberality of the principles which it sanctioned, and which he showed he so well understood; but still more memorable for the striking admission with which it was coupled—he allowed, that he saw the great errors and pernicious tendency of the narrow and absurd system on which the trade of the country was conducted; but that hostile representations and conflicting interests stood in the way of new arrangements, or any beneficial improvements. To what he had advanced the right hon. gentleman answered—" We admit your principles to be incontrovertible—we confess our present commercial regulations are impolitic, and that a change would be desirable; but when we propose any improvement for the general advantage, in come the shipping interest, in come the conflicting commercial and manufacturing interests, beset the board of trade, and oppose each other before us; and what can we do?" The merchants employed in the iron trade, those employed in the wood trade, the miners, the manufacturers, the shipping interests, had all different objects, all prayed for the continuance or enactment of restrictive regulations, and no satisfactory adjustment could be made of their conflicting claims; what, therefore, could be done? The right hon. gentleman confessed the inability of government to control these opposing individuals; and with this confession of imbecility, was contented to adhere to a pernicious and erroneous system, with the full view of its impolicy and absurdity. Nay, even the act imposing a duty on the transit of foreign linen, than which he might say a more absurd regulation did not exist on the statute-book of any country that had a book, was allowed to continue, because, though it confessedly cramped the commerce of the country, and injured the general prosperity, the right hon. gentleman dreaded that its repeal would set the north of Ireland in a flame. Now, when the House saw this miserable weakness, when they heard an admission of just principles, but a confession that, from conflicting interests, they could not be carried into effect; when a minister at the head of the department of trade, with an interesting candour and touching simplicity, allowed that the country was proceeding in an impolitic course; but that when he tried to effect any improvement he encountered an opposition which he could not overpower, was it proper to pass to the other orders of the day? The House should have said, we allow your claim of imbecility, but it ought not to prejudice the welfare of the country—we will back your efforts for improvement, and enable you to overcome those conflicting claims which you confess your incapacity to adjust. But instead of this, the House passed to the order of the day; and now, though we had arrived at the third year of peace, and should have long ago inquired into the commercial policy of the country, no examination had yet taken place, nor had any thing been yet done.

With regard to our financial system we were in a different situation. On this subject there was no admission similar to that of the president of the board of trade. The chancellor of the exchequer did make some opposition to himself (Mr. B.) and his friends. They pressed upon his attention that in peace exorbitant duties could not be raised; and by reducing the taxes on articles which peace afforded such facilities of smuggling, he would increase the revenue. The right hon. gentleman was, however, of a different opinion, and would do nothing except they would allow his favourite measure of an income-tax. He therefore proceeded with his temporary expedients, now issuing exchequer bills, now treasury bills, now compounding with the bank for a loan without interest, now taking one with interest, varying from year to year according to circumstances, watching the progress of events, doing nothing, and hoping that by the chapter of accidents every thing would come round to his wishes without any exertion. His system was to have no system, his plan of finance was to proceed entirely without plan; waiting till circumstances might change, or till the House, seeing the derangement of our financial affairs, would agree to the revival of the income tax, of which he and the noble lord were nightly singing the dirge; an oppressive tax which had, he trusted, been condemned to perpetual extinction, and which the country would never be so destitute of spirit as to allow to be proposed, nor parliament so abandoned to all sense of shame or duty as to enact. But if our commerce was in a bad state, our finances were calculated to excite greater alarm. The finance committee even could not venture a calculation, but were obliged to resort to an average. He had formerly stated what he would now repeat, that though our commerce might improve, it could never again reach that pitch of prosperity which it had lately attained. This might easily be proved. There was at present an incapacity among the nations of the continent to pay for our commodities, from the exhaustion of a ruinous and protracted war; and, unhappily for us, there existed a growing ability to supply themselves. Our great extent of machinery, our immense accumulation of capital, and our superior manufacturing skill, might ensure us great advantages in the market, but the people of the continent were making rapid advances. Cotton-mills had been erected in the neighbourhood of Vienna, which manufactured twist of the best quality; and at Mulhausen, in Switzerland, a similar establishment was erected. Speaking on this subject, he could not but refer to the policy lately recommended in some petitions, of prohibiting the exportation of cotton-yarn. This appeared to him to be a delusion that had been fallen into by a large body who were suffering under the want of employment. A petition had been sent on the subject to the Prince Regent, and one was to have been offered to the House, signed by 200,000 individuals. He proposed to the petitioners to delay sending it up, as he hoped delay and discussion might dispel their prejudices; and to induce them to do so, he held out to them the hope that, if circumstances did not change, their case might next session be inquired into by a parliamentary committee. He wished to hear every thing that could be said; but he deemed it his duty to mention, that he thought the more the subject was inquired into, the greater would the impolicy of the prohibition appear; and that, instead of relieving the class who petitioned for it, it would impede general commerce, ruin the cotton-spinners, injure the importers of cotton-wool, and, by rendering the yarn dearer to the weaver, involve him in the general calamity. It was necessary to attend to the situation of this class of persons, the cotton-spinners, as among them, as well as among the other classes collected in great bodies, there was no permanent connexion between manufacturer and employer.

The next subject to which he should advert was our relation with the South American colonies, and here he found equal subject of complaint against his majesty's government. The impolicy of our conduct was sufficiently obvious —our want of system, plan, or object. In some places we had commercial agents, in others none. In one of the states we had a consul, who received his commission from Ferdinand, but who had not produced his credentials till the state to which he was accredited had declared itself independent, or had, as it was called in some quarters, revolted. Over the whole of South America there was a complaint of a want of communication or of concert and understanding. The governors of our colonies acted in the same way as our government at home, or executed impolitic instructions received from this country. The governor of Trinidad openly opposed the cause of the independents, and took part against them with the mother country; opening letters addressed to them, refusing to admit into the island those who had been opposed to the royal arms; imposing contributions, sometimes to the amount of 200 dollars, on those who sought admission; and obstructing all communication between Trinidad and the Spanish main, as much as was in his power. Since he had last spoken in the House on this subject, he had heard that the intercourse between that island and the neighbouring continent had been so completely interrupted, that mules had risen forty dollars in price; and that the price of a pound of food, which was formerly fivepence, had risen to 5 and 6 shillings. Such a difference of price, amounting to a thousand per cent. in districts so contiguous, showed the obstructions offered to all communication or commercial intercourse.

But if the policy of government in this quarter was marked by illiberality, injustice, and absurdity, it had been equally so on the continent of Europe, and we were now reaping the bitter fruits of the noble lord's negociations. He would not enter into any reasoning on the subject, he would state one fact which would be worth a thousand arguments. What he alluded to had happened in the port of Genoa, and disclosed a scene of as great tyranny and injustice on the one hand, as great oppression on the other, and as great imbecility in a third party, as any act that had ever been heard of within the walls of that House! It was well known, that though the king of Sardinia was one of the legitimate sovereigns for whom we established the present order of things, yet that we found him possessed of small territory and of very limited power, and by expanding his narrow dominions, and giving him new subjects, we made him a creature of our own. Our exertions brought him from a barren island, restored him to his continental dominions, and endowed him with Genoa. This city was declared as free, because we gave it him, and because congress declared it free. This petty dependent monarch, imitating the conduct of a greater illegitimate one, prevailed, by the arguments to which the latter was accustomed to appeal, upon the chamber of commerce of that port, to contribute money to him for building a large frigate. The chamber, to raise the money, assessed their own members, and the English, together with the French and Piedmontese merchants, who hate and envy the English, and wish to make the place too warm for them, in order to dislodge them. The English merchants remonstrated, but their remonstrances were not attended to. They applied to Mr. Hill, the British minister at the court of Turin. Finding that this application was unsuccessful, they applied to the British consul, who made a representation to the Sardinian minister. The reply from him was, that the assessment was not at all an affair of government, but an arrangement made by the chamber of commerce, with which he could not interfere, and against which government could grant no redress. The merchants made a representation to the chamber, and resisted payment. This only produced a measure of oppression. A soldier was sent to the house of every English merchant, with orders to remain there till the mandate for raising the contribution was complied with, at the pay of three francs a day, to be levied on the person in whose house he remained. The merchants complained to the consul and the ambassador; the latter of whom disapproved of the proceeding; but added, there was no help for it; that he had done his utmost; and that the only course the merchants had was to submit. The whole of these proceedings were submitted to the noble lord opposite, who must have been displeased at the ungracious return made for our exertions by a sovereign who owed to him the means of oppressing British subjects. But what did he do?—Did he afford that protection which the merchants had a right to expect, and speak to the court of Sardinia with that energy which became the minister of Great Britain? No; he applied to the king's advocate, to know if it was lawful for the king of Sardinia to act as he had done; and even submitted to him a case which did not comprehend a full view of the circumstances. The tax was stated to be a general tax; and, as such, the imposition of it did not authorize going to war, or make it a duty for the British government to interfere. On this legal opinion the noble lord acted. Good God! was it becoming in a British minister, in such a case, to allow an injustice to be committed on a technical opinion; to make no remonstrance to a sovereign who was under such obligations to us, when he oppressed our countrymen, merely because the king's advocate, on a partial representation of the case, said, that it was no ground for declaring war? When he (Mr. B.) read these papers, they excited his greatest astonishment, and, as an Englishman, made him blush for the degradation of the English character. If English merchants were to be thus treated, if they received no protection from the English government when oppressed by petty states, they might say with truth, We are a great naval power, a great and enlightened nation; but for all practical purposes we are an insignificant people, and cannot protect ourselves against the smallest aggression, or even send a memorial to the petty court of Sardinia. This could not be expected to be a solitary instance of oppression, and accordingly it was followed by others. The first was a tariff on cloth, which gave so great advantages to the French manufacturers over us, that no British cloth could be imported into Genoa, as he had heard from a merchant of Yorkshire, whom he met at Milan. There was another tax imposed, called annonaria; and another was a duty on goods imported into Genoa for the purpose of exportation, similar to our transit duty on foreign linen. Would not this tame submission invite oppression from other powers? Could Austria and Russia, those great states, be expected to show us any regard, or grant us any commercial advantages, when we allowed ourselves to be insulted and trampled on by a creature of our own, the little king of Sardinia? We had mistaken our proper policy, and descended from our legitimate rank. We were placed as arbiters of Europe, and could have ruled its destinies by throwing our weight into the scale if we chose; but we had surrendered that proud pre-eminence to become a fifth-rate military power —neither our safest nor our most dignified attitude, neither adding to our credit nor our security. The noble lord had boasted of his treaties; but if one attended to the state of Europe, there were evident symptoms of their instability. The state of arms in which the different states remained; the Holy Alliance, which seemed more of a political than a religious description; and the circumstance, that it originated with the two powers who bordered on Turkey, and had their views fixed on its dismemberment, together with the misunderstanding between Spain and Portugal, might lead to some interruption of the general peace at no distant date. He could not avoid referring, in this part of his speech, to the Note of the allied powers respecting the situation of Lucien Buonaparté, which so deeply affected the honour and dignity of this country. What he had to lament was, not the mere refusal of passports for himself, but the refusal of them for his son; for, as in the case of Dyott's divorce bill, we had changed his petition into an enactment against him. He regretted also to see, not only the name of sir C. Stuart, but that of the duke of Wellington, to this document; regarding it, as he feared he must, to be an indication, that the minister for civil affairs was bound to take his instructions from the military commander. In one part of this note the presence of Lucien was described to be more dangerous in America than in Europe. Although it was somewhat difficult to conceive the grounds of this proposition, yet supposing it to be literally true, what was the real danger to be apprehended from him in either part of the world? He was a person who, as far as he understood, was a great admirer of French poetry, and who, when not engaged in either reading or writing it, amused himself with digging up the remains of antiquity at Tusculum. When in this country, his whole deportment—and it had been vigilantly observed—was of the most peaceable and inoffensive nature. Was this spirit of persecution adopted in order that the new system of Europe might rival in all respects the treaty of Westphalia? The conclusion of this extraordinary note was, that another abode was necessary to be provided for him in the Roman states. Was it worthy, he would ask, of a great country? Was it worthy, of whatever might yet remain of the ancient liberality of Britain, to be occupied, in conjunction with the other great powers of Europe, in devising a residence to which, when selected, the individual in question must be removed by force? If it had happened in our times, and to the astonishment of an enlightened generation, that a monk, in spite of all the cry and prejudices of the no-popery doctrine, should be drawn from the recesses of a convent, and from amidst his beads and rosaries, to be erected into a temporal sovereign, was the world to understand that he was still to remain the instrument of those who had pretended to leave him independent? Was he to be represented to be so incapable of exercising the functions of sovereignty, that he had no control over the proceedings of an individual residing within his territories, and therefore other nations must interfere to prescribe the spot to which he ought to be confined, before their apprehensions could be allayed? He believed the whole intelligence with respect to his intrigues in Naples was derived from certain diplomatic agents, who thought themselves obliged to be doing something like their fellow-labourers at home; and to whom red bags and large seals were the very luxuries of their existence.

Turning, however, from this waste of our legitimate influence abroad, he felt it his duty to advert to another subject of complaint, which was no less than the mismanagement of the patronage belonging to the foreign department. It was painful to him to bring forward such a charge; and the more painful, as it necessarily affected some persons nearly and intimately connected with the noble lord at the head of that department. Whilst he expressed a hope, however, that a new system of appointments would take place in the conduct of our diplomacy, he was actuated by no personal feeling of hostility or disrespect. No man could entertain the smallest objection to any military distinction or appointment that might be conferred on lord Cathcart or lord Stewart; but other persons than those who were only known to the country as soldiers, and whose education had been purely military, were required to execute the high and difficult trusts of the missions to Petersburgh and Vienna. He considered that it was sufficient for him to touch generally upon this subject, in order to show that there had been an abuse of this very delicate branch of the public patronage. He had long abstained from alluding to it openly, and it was with sincere reluctance he now stated, that there was but one opinion at Vienna and elsewhere, as to the fitness of lord Stewart to execute the functions of minister at that court. If the noble lord, instead of inquiring in his own person, would delegate another to make the inquiry for him—for many truths might be told to a third party which could not be communicated to principals—he would venture to predict that the result would be a similar representation. He was confident that he had never uttered, nor even heard, a single sentence which reflected on the high personal honour and professional merits of the two noble lords whom he had named, but their education itself afforded a presumption of their inadequacy; and whilst their appointments were a matter of regret, the whole blame of them rested with the noble lord opposite, who conducted the foreign relations of the country. It was observable, also, in the consideration of this subject, that a military person, colonel Stirling, had been appointed British consul at Genoa, although the nomination of Reynolds and Manners to similar offices called for much deeper reprobation.

Having commented at such length on these various topics of foreign policy, it remained for him to say a few words on what appeared to him to be the greatest evil of all—he meant the present lamentable posture of the constitution. No man who wished well to the interests and happiness of this country, could turn his eyes back to the commencement of this session, and recollect, without a bitter pang, the hopes which it was then natural and reasonable to indulge in. All who had contemplated the improvement and extension of education, the removal of so many disputed questions, the abatement of party zeal, and the consequent union of sentiment which had grown up in the public mind, must have been grievously disappointed to find a new strength acquired to the cause of bigotry and misgovernment. The anti-catholic had begun to raise his tone, and he thought he could descry the hands from the hand-work of some noble lords, both on the floor and on the table, from which he was induced to suspect a repetition of an old and well-known intrigue, not very favourable to some of the present ministers, and still less favourable to the accession of others, whose principles must for ever prevent a connexion with the authors and promoters of a no-popery cry; but in whatever quarter such designs might be entertained, their existence, or the dread of their existence, was enough to damp the hopes of every friend to the liberties and prosperity of the empire. The Catholic was, in his view of the public interests, the all-important question; it was not, as sometimes represented, a mere question as to individuals, but it was whether Ireland should be well or ill-governed. Until it should be carried, the same principle of distinction which reigned in the West-Indies between the planter and the negro must operate in Ireland to the extent of preventing the Catholic and the Protestant from regarding each other as brothers and fellow subjects. Until this question should be carried in favour of the cause of justice and of liberal policy, our financial resources would derive no augmentation from that quarter, nor would tranquillity be maintained by any other means than by an overwhelming military force. To this disappointment was to be added the melancholy fact, that in this part of the empire we had seen (for the first time since the Revolution, in a period of foreign an internal peace), with hardly domestic dissension enough to scare a child, the liberties of the country abandoned, not for a limited time, but *durante bene placito*, to the government. Such a proceeding, fearful under all circumstances, was a matter of peculiar jealousy and alarm, when it was considered to whom this power was intrusted, and by what hands it was to be exercised. With regard to the noble lord opposite, it could not be forgotten with what scenes his administration in Ireland had formerly been attended. He presumed that the noble lord had been ignorant of them at the time of their occurrence, but the circumstances were on record! it was not now a fact that could be controverted, that men had been flogged with a merciless spirit, which was not satiated till their bones appeared to the face of day. It was not to be denied, that one man who had been thus lacerated had been rubbed over with gunpowder, in order to be a second time mangled, till his bowels burst through his wounds, and was then abandoned without medical aid. When this man afterwards brought his action against the individual who had inflicted the punishment, it was equally true that that individual petitioned the Irish parliament for a bill of indemnity, on the avowed principle of his having employed torture in order to extort truth. He alluded now to the case of Wright *versus* Fitzgerald, in which the attorney-general had supported the application, and the petitioner had been afterwards made a baronet. If all this took place, and the noble lord remained in ignorance of it, although in his immediate vicinity, how was he, sitting in Downing-street, to prevent similar barbarities in Cornwall, and in Yorkshire? If the government was substantially the same as it was at that period, what greater security was there against the abuse of such unlimited authority? He knew not how the sagacity of lord Sidmouth was to operate more effectually than that of his colleagues or predecessors, to prevent an innocent man from being dragged from his family, and immured in a loathsome dungeon, on the information of such persons as Oliver and Reynolds. All that now remained however, for the House to do, after having vested such powers in the executive government was, to address the Crown, and to press upon its attention the necessity during the recess of parliament of at least exercising them with caution, forbearance, and moderation. The hon. and learned gentleman concluded by moving,

"That an humble Address be presented to his royal highness the Prince Regent, humbly to represent to his Royal Highness, that his majesty's faithful subjects, the Commons of the united kingdom in parliament assembled, beg leave to approach his Royal Highness with sentiments of attachment to his illustrious family, and to the sacred principles of civil and religious liberty which seated them upon the throne of these realms:

"That arrived at the close of a session, the commencement of which had filled our constituents with the sanguine expectations that some of their grievances would be redressed, we deem it incumbent on us to express our deep concern that the measures of his Royal Highness's advisers, have neither been calculated to fulfil the hopes, to alleviate the sufferings, nor to recover the affections of the people:

"That it is with deep concern that we observe in every part of his Royal Highness's dominions nearly the same pressure of distress, which at the beginning of the session was lamented as unparalleled in the history of the country; and that although we are disposed to hope that some portion of the evil may be temporary, we should trifle with his Royal Highness did we not declare our fixed opinion, that the changes which have happened in the world will prove permanently ruinous to a great part of our foreign commerce, if they are not counteracted by corresponding alterations in our commercial policy, and by the extension of our intercourse with countries removed from the influence of our rivals; but that we have heard with surprise and regret, from his Royal Highness's advisers, an avowal of principles, which remove to a hopeless distance all expectations of seeing so salutary a system adopted; that we find that they dare not oppose themselves to the conflict of the mercantile interests, by which they represent themselves to be surrounded; that to the menaces and importunities of individuals they sacrifice their own declared opinions: and that, instead of anxiously seeking for the means of restoring the healthful state of British commerce, they remain passive spectators of its progressive decline, and abandon their duty towards the whole empire, in order to escape the interested clamours of a few:

"That equally great has been our disappointment at finding that no measures have been adopted for lessening the enormous weight of the taxes, grievous even in prosperous times, but at a period like the present, hardly to be endured. That, when we consider how heavily those burthens press on the trade of the country diminishing at once our home consumption and our power of competition in foreign markets, and reflect that, in a season of general distress, the operation of the poor laws inevitably throws an unequal share of the load upon the land, we are at a loss to conceive more powerful reasons for reducing the excessive amount of taxation; the more especially because experience has proved the revenue itself to have been injured by that excess: that after the return of peace we had hoped that a new and permanent arrangement of our financial system would have been attempted on sound and liberal principles, alike favourable to the resources of the state, and to the private wealth of the people, in which alone the foundations of public revenue can be surely laid; but that here again we are disappointed: that his Royal Highness's advisers, with the evidence before their eyes of trade sinking under the pressure of taxes, and the income of the state constantly declining, as the difficulties of the people increase and their industry decays, seem resolved to defer the settlement of the finances, as if they waited for some opportunity of restoring the income tax, which we trusted that our vote of that session had for ever destroyed; nor is it amongst the least of the grievances whereof we complain, that, while the deficiency of the revenue is acknowledged, no effectual steps are taken to reduce the public expenditure, which is kept upon the footing of former wars in order to support unprecedented military establishments, equally strange to the habits ruinous to the wealth, and fatal to the liberties of the country.

" That, while the measures of his Royal Highness's advisers at home are calculated to afford no relief either to the labouring finances of the state, or the insupportable sufferings of our countrymen, we regret to observe, that a course of policy has been pursued towards foreign states, at once injurious to the prosperity, and degrading to the character of the nation: on the one hand we see, with humiliation, that all the blood and treasure so lavishly bestowed, and all the triumphs of our arms have failed to secure to us the most ordinary share of influence with the very powers which owe their existence to our efforts,—while, on the other, we perceive with shame and disgust the authority of the British name prostituted to sanction every abuse of power;—every invasion of national independence;—every encroachment upon popular rights;—and that lately we have witnessed, nearly at the same time, the humbling sight of British merchants oppressed, without the hopes of redress, by a petty tyrant whom our influence had raised to power, and an authorized British minister joining in the bootless persecution of an unoffending individual, for the purpose of courting more powerful sovereigns:

" That it is a farther consequence of the same false principles, and the same imbecility, which mark the administration of our foreign affairs, that laying down no certain line of conduct respecting the intercourse with South America, but swayed by the groundless prejudices against colonial rights, which have survived the first American war, his Royal Highness's advisers have succeeded in disconcerting the commercial plans of our own countrymen, and exciting the universal distrust of the independent party, while they have failed in giving satisfaction to the Spanish and Portuguese governments: nor can we refrain from lamenting, that, after the unparalleled sacrifices made to preserve the existence of those dynasties, it should be found impossible to obtain from them a renunciation of the execrable traffic in human flesh, carried on, by their authority, to an extent beyond all former example, and very far surpassing, in its repugnance to the law of nations, the French aggressions against themselves, which we interfered to repel:

" That when indeed we recollect the prodigious efforts made by this country during the late contest, and contemplate the intolerable burthens which they have entailed upon all classes of his Royal Highness's subjects, however gratifying may be the reflection, that the triumphs of our arms exalted the character of the British nation, it is truly painful to mark the truth which every day's experience forces upon our belief, that the fruit of those costly victories hath been thrown away by the incapacity of his Royal Highness's confidential advisers: even the arrangement of the continent, which they claimed as their own, and boasted would be permanent, offers no prospect of stability to counterbalance the narrowness of the principles on which it was founded, and the profligacy of the means by which it was effected: for, besides the weakness naturally inherent in every such transaction, and the universal discontent of the people, whose interests have been sacrificed to it, we observe the greater continental powers rather extending their armaments than returning to peaceable pursuits;—the inferior sovereigns striving to follow their example; and leagues of a mysterious nature, with unexplained views taking place of the ancient and known relations between friendly states, while Great Britain, instead of trusting for her influence to the weight of her high character, the popularity of pure and liberal principle, the knowledge of her commanding resources, and above all the incalculable effect of her entire disinterestedness, has been involved in all the intrigues of foreign courts, has submitted to take her rank among them as a second-rate military power, and adopted a system of constant intermeddling, beneath her dignity, as it is destructive of her authority; and that we observe with astonishment and regret, that in order still more effectually to insure the failure of such schemes, their execution has in many instances been intrusted to incapable hands, according to the novel and reprehensible plan, which seems to be followed, of bestowing the higher patronage of the foreign department upon persons recommended by family connexion or by military rank, and rewarding with its inferior posts the basest species of political service:

"But that when we turn from surveying the effects of mismanagement upon our national wealth and our influence abroad, to contemplate the blows which have been sustained by the civil and religious liberties of his Royal Highness's faithful subjects, we are filled with a concern so much the deeper, by how much those interests are inestimably dearer to a free people: that to serve the unworthy purposes of a court intrigue, for diminishing the influence of some distinguished men, and widening the difference that unhappily divides others from his Royal Highness's confidence, we have seen the attempt, already partially successful, to revive the senseless clamours of a misguided multitude against his Royal Highness's Roman Catholic subjects, and to embody, as the principle of the government, those bigotted doctrines, which, after weakening the strength of the empire in war, occasion the necessity for a standing army, that exhausts its resources and undermines its liberties in peace: nor is it one class of his Royal Highness's subjects alone who have to lament the injury to their constitutional rights which this fatal session has brought about: that the measures so disastrous to public liberty, which his Royal Highness's advisers have prevailed upon parliament to sanction, are all the answer that has been given to the petitions of the people; all the return made for their unalterable attachment to the constitution; all the means taken to justify or fulfil their anxious expectations: that on the eve of a prorogation, which will leave, for the first time since the revolution, the most precious of their rights at the absolute disposal of those advisers, we deem it our duty, alike towards his suffering but faithful subjects, and towards his Royal Highness, solemnly to desire that so vast and perilous a trust be no wise abused: that when we consider into whose keeping the personal freedom of each individual in the kingdom is delivered, and reflect that among the confidential servants of his Royal Highness, are to be found both those who exercised the powers of government in Ireland during the darkest period of her history, those whose general incapacity has been recorded by their colleagues, and those whom recent proceedings have stamped as inadequate to contend with the wiles of their own agents, we may well be alarmed at the prospect of the approaching recess; but we deem it a sacred duty not to separate without expressing our earnest expectation, that His Royal Highness will discountenance, by all means, the employment of persons pretending to be spies, and in reality contrivers of sedition for the sake of gain, the encouragement of whose unworthy artifices must end in the destruction of innocent individuals, endanger the public tranquillity, and irritrievably alienate the affections of his faithful subjects: and that we pledge ourselves to institute a rigorous inquiry at the beginning of the next session into every thing that concerns the execution of the new laws during the prorogation of parliament."

Lord *Castlereagh* began with observing, that after the speech delivered by the hon. and learned gentleman, and the address which he had thought proper to submit to the consideration of the House, he felt himself entitled to trespass for some time on their indulegnce. If the object of the hon. and learned gentleman, indeed had been deliberation, and not inflammation, his speech would have been unnecessary; for one part of it consisted of statements which formed a proper ground of inquiry, and another of assertions, which, if true, ought long since to have led to an impeachment. But the hon. and learned gentleman had not stated either to be his object on this occasion; and he could not but think it singular, that he should have occupied himself the whole session in preparing an extended pamphlet, in the shape of a speech, and embracing a considerable quantity of libellous matter which he had reserved, not much to the credit of his generosity or candour, to be directed against him and his friends on the last day of the session. It was only the day before that he had been given to understand that the intention of the hon. and learned gentleman had been merely to place his proposed address upon record, without going into any elaborate review of the foreign and domestic situation of the country. He disdained to accept the assurances of the hon. and learned gentleman's liberality towards either him, or those who were dear to him, although he relied confidently on the liberality of the House. It was his wish, not only to protect himself, but parliament from that system of running it down of which they had that night witnessed so conspicuous an instance. A more opprobrious or unjust reflection could not be thrown on the character of parliament, than to declare that it had been insensible to the distresses of the people. Every man with whom public duty was the basis of conduct must admit, that the attention of parliament had been directed to this subject with a diligence unexampled; with the most lively sympathy; and that it had led not only to the most useful investigation, but to measures of the greatest practical utility. It was true, that parliament had been called together at a moment of general suffering; and without referring here to the direct steps taken for alleviating it, he must contend that those measures which were reprobated as an invasion of liberty had afforded substantial relief in protecting the honest and the industrious against those who hoped to make a pretended reform the instrument and means of disturbing the public peace. These were the proceedings which had sustained the confidence of the country, and enabled the man who loved it to labour for the support of his familly without dreading the dagger of the assassin. Parliament, he repeated, would have acted the part of a driveller, if it had listened at such a time to the hon. and learned gentleman's projects of reform. The difference between his views on this subject, and those of the hon. and learned gentleman, proceeded probably from the different grounds on which they were formed. He considered the hon. and learned gentleman as desirous of introducing changes into the practice of the constitution of a revolutionary nature. His own principle, on the contrary, was, that it would be dangerous to yield to any but gradual improvement, arising from, and dictated by experience. The hon. and learned gentleman contemplated as desirable, or at least favoured, the progress of alteration which he was satisfied would subvert instead of maintaining or improving the constitution. The salutary operation of the policy pursued by parliament was manifested not only in the increasing value of the funds, which in the course of the session had risen from 62 to 79, but in that of every other description of property. There never, in fact, was a session during which the wisdom of parliament had been more successfully applied in devising the means of practical relief to evils of great magnitude and extent; or at the close of which more triumphant evidence of it was disclosed. Nothing but a perverted mind, or an uncandid spirit towards parliament, could induce any one to regard their proceedings as indicative of any hostility to the liberties of the people. But had the hon. and learned gentleman who, at a former period of the session, had read to the House another elaborate pamphlet on the miserable state of the country, ever started one rational idea, or submitted a single plan, for the diminution of the public burthens? No; but his constant complaint was, that nothing had been done; and that the establishment was not lowered. This assertion was repeated, although the establishment had been reduced from 20 to 18,000,000*l.*—a reduction larger than had been anticipated by the most rigid criticism. Was it a proof that nothing had been done, that no report had yet been presented from the committee appointed to examine the best means of improving the state of the poor-laws, an inquiry so difficult and so extensive? If it had been found impossible to prepare and digest a better system in so short a time, the issue of exchequer bills, for the purpose of giving employment to the poor, showed that parliament had exerted itself to supply immediate relief to the distress of the lower classes. The hon. and learned gentleman appeared to have assumed the disguise of a dissertation on our commercial policy, for the purpose of making an exclusive attack upon his public character. He did not believe that his object was inquiry; because if it was, he must give him credit for the ability to carry it into execution. He had taken the opportunity of animadverting on the proceedings of congress, and of the allied powers subsequently; and it was no matter of surprise, considering the anxiety with which some persons had watched over the fate and fortunes of a certain family, that those who had achieved their overthrow should be the objects of suspicion and obloquy to them. But with reference to our commercial policy, he must deny that his right hon. friend (Mr. Robinson) had ever supported the abstract principle of a system of exclusion. All he had maintained was, that we could not adopt such liberal principles, as it was desirable that the world should act on generally, whilst the system of protection and counter-protection was maintained in other countries; that a more enlarged policy must be progressive and mutual, and could not be adopted *per saltum*, as the hon. and learned gentleman appeared to think. Had he, however, proposed an inquiry into any particular branch of the system, it would not have been refused. He now came, certainly labouring under great disadvantages, to notice in detail those charges which were personal to himself or to those who were dear to him; and he must declare that he saw nothing in the hon. and learned gentleman's mode of treating this subject which called upon him to view it in the light of grace, or courtesy, or liberality. His description of the alleged cruelties which had been practised during the administration in Ireland, of which he had been a member, ought long since to have been made the foundation of an impeachment, if they were believed to be true, and not have been reserved to be brought forward in a strain of black, malignant, and libellous insinuation on the last day of a session—

Mr. *Brougham* rose to order, and submitted, that these were expressions which were not consistent with the decorum and dignity of their proceedings. He considered that the noble lord was exceeding the usual licence of parliamentary language.

Lord *Castlereagh* insisted that the hon. and learned gentleman had employed insinuations which he was bound to expose and to repel.

Mr. *Bennet* contended, that nothing had fallen from his hon. and learned friend which could justify the noble lord's asperity of observation.

Mr. *Canning* apprehended, that there was no doubt that the word libellous was strictly applicable to whatever was said in parliament which, in the case of its being printed, would constitute a libel.

Mr. *Brougham* admitted, that his reflections on the noble lord's conduct called for explanation from him, and even excused some warmth in the conduct of his defence.

Lord *Castlereagh* resumed. He would not shrink from asserting that the expressions of the hon. and learned gentleman, applied on the last day of the session to transactions which took place twenty years ago, were unjust to individuals, prejudicial to the public service, and calculated to lend countenance to the machinations of traitors. He must protest against another abuse of the privilege of speech in the hon. and learned gentleman's observations with regard to Genoa, nor could ministers be responsible for our foreign relations under such a perversion of the purposes of that House. He would maintain, in opposition to the hon. and learned gentleman, that nothing was more strongly to be deprecated than the policy which he recommended, of the greater powers making use of their influence to force commercial regulations on weaker states. It would be an equally unjust and unsound principle of commercial intercourse for this country to aim at the establishment of a distinct cast of British merchants in foreign states, enjoying particular exemptions, instead of those reciprocal advantages which were essential to the rights and interests of every people. He would zealously maintain the privileges of our merchants, in conformity with subsisting treaties; but he never would adopt the hollow, despotic, and illiberal policy—a policy directly contrary to every principle of national law—of extorting concessions of mercantile advantage by means of political superiority. If there was any thing on which he could undertake to justify himself to the House and to the country, it was with respect to the policy which had been pursued towards Spain and South America. His majesty's ministers had nothing to reproach themselves with on that subject. If the hon. and learned gentleman meant that the country had not the same commerce with South America that it ever had, he denied the statements in which the hon. and learned gentleman had indulged himself. He firmly believed that the country had nothing left to desire with that portion of the world. Did the hon. and learned gentleman mean to say, that he would have been able to effect any course of policy by which South America would have been more friendly to the interests of Great Britain? On the contrary, he (lord C.) was afraid that much injury had been done, not only by the hon. and learned gentleman, but by others, from the speeches which had been made in that House. The hon. and learned gentleman, with the peculiar feelings which he displayed on several occasions, had stated, that all personal liberty had been invaded; but he (lord C.) could only say, that those individuals who consulted the best interests of the nation essentially differed from him. In his opinion, the hon. and learned gentleman was a very bad guardian of the liberties of Europe. The duke of Wellington had acted precisely as the treaties intended he should act. He never heard any impeachment of the conduct of that great captain; and regretted, no less than he was surprised, to hear the learned gentleman say, that we were trying to manage our affairs rather by military than by civil operations. He begged leave to say, that all those who regarded the welfare and tranquillity of Europe, had acted with nothing more than a becoming precaution; they had merely entertained those ordinary jealousies which existing circumstances so imperiously demanded. But the hon. and learned gentleman has talked of that individual to whom the document referred (Lucien Bonaparté), being solely engaged in literary pursuits in writing verses, in arranging an heroic poem. It did, however, happen that that same individual was fired by a spirit of a very different kind on the return of Buonaparté from Elba. The same character and energy that at a more early period he had exerted, and which led to the usurpation of his brother, was not less ardently operative in those latter days, when the world was so near being replunged into all its recent horrors, and Europe being again shook to its centre. We should indeed be drivellers if we had suffered men of that description, influenced by their views and passions to traverse the world at their pleasure, and after having matured their schemes, and revisited us with the calamity, to come here and receive the meed of the hon. and learned gentleman's approbation. We pursued another course, and being reduced to the painful necessity of imprisoning the head of that family, we did not push our precautions farther with respect to other branches than a sound discretion warranted. If the hon. and learned gentleman proceeded on the assumption that the hopes of the partisans of that system were extinct, he begged to assure him he was mistaken. The perverse spirit was yet alive and active; it went on perseveringly in various parts of the continent, to combine all possible means for its object, and a large and active branch of the conspiracy had passed over to America. A passage across the Atlantic was not likely to neutralize it. The House and the country, therefore, would take the authority of those who felt it necessary to prescribe the restriction adverted to—they were best enabled to judge of the prudence of the precaution, and the country would, no doubt, respect the decision. The hon. and learned gentleman had in the same spirit of indulgence, expressed his fears for the duration of the repose of Europe. It was most probable that the speech about to be delivered from the throne, would advert to the nature of our prospects on that head. But he (Mr. B.) who looked with such gloomy views at the possibility of its continuance, was anxious to spread the alarm by his prophecies and fearful apprehensions. He saw with terror the continuance of large armies, and on these he founded his alarms for the continuance of peace. But he (lord C.) would ask, whether it was not natural, that, rescued as the powers of Europe were by the efforts of public force, they should be still disposed to continue a considerable part of that military establishment, to guard against the machinations of the friends of revolution? It was the alarm that the danger was not yet over—that the spirit yet stalked abroad, and was intent on its objects, that operated to delay the reduction which the state of the finances rendered necessary, and not any spirit of conquest. The noble lord next proceeded to defend the particular diplomatic appointments in his official sphere. The discretion which I have used in making certain appointments in foreign countries, has, (said the noble lord) been referred to, but I am not disposed to treat this part of the subject with any acrimony. I however deny any intention of giving a military character to our foreign diplomacy, or that it was the principle of the treaty of Paris to abandon our insular policy, or assume the tone and port of a military power. The appointment of lords Cathcart and Stewart, has been censured by the hon. member, because they had not been brought up regularly for the diplomatic service of the country. They were, however, selected, when unfortunately the military relations of the country were so mixed up with the diplomatic, that if the government had sent out one of the old trained diplomatists, they must also have sent with him a general officer, and nine-tenths of the power would have been exercised by the latter. It was on these grounds that these two individuals were attached to the head quarters of the allied armies. I hope I am not so blinded by my attachment to a brother whom I sincerely love, as not to perceive any insufficiency in the powers of lord Stewart to fulfil his office. To me his zeal and good sense appeared calculated to serve the public interests; but were I ignorant of his faults, they would not have escaped the observation of my colleagues. The two other appointments alluded to, were those of Mr. Reynolds and Mr. Manners—As to Mr. Reynolds, he had never heard any thing to his prejudice; he had originally engaged in treason, and by his discovery made the atonement. It was inconsistent with the honor of government to allow such a man to wander through the country, and at a moment, too, when these frequent denunciations could not contribute to his personal safety. He (lord C.) was not secretary in Ireland when Reynolds gave his information. It was to Mr. Pelham that the disclosures were made. Three juries had believed his testimony, and the Irish House of Commons considered it unimpeached. That in the estimation of the hon. baronet (sir F. Burdett) such a man appeared in a degraded light, was, without imputing improper motives, not unnatural, from the habits of personal association that hon. baronet had with persons to whom Mr. Reynolds could have no recommendation. The prejudice was not, however, general. Lord Chichester thought so well of his character, as to appoint him to the respectable situation of postmaster-general at Lisbon. The corporation of Dublin did not deem him unworthy, and gave him for his services the freedom of their body. The Guild of merchants, who voted him the honour of their Guild, did not concur in those feelings of reprobation. His testimony was not alone unimpeached, but was supported by the confessions of the traitors themselves. O'Connor and 251 other traitors confessed their guilt and upheld the truth of his statement. Mr. Reynolds was also, a man in respectable circumstances, and by no means likely to prostitute his talents for the public service. He considered him, therefore, as an individual assigned unjustly to persecution, and in truth as an object against whom the most unfounded insinuations had been brought. Now, (said the noble lord) we come to the case of Mr. Manners. The learned gentleman speaks of "the notorious Mr. Manners, the gross libeller—the editor of the Satirist!" However notorious he might be I can assure the House, that I knew nothing of Mr. Manners. The learned gentleman has trumped up this appointment as a very important thing—whereas the office is one of merely 200*l.* a year in the state of Massachussets. I knew not that Mr. Manners was engaged in any literary work, and I was equally ignorant that his character had ever been arraigned in any court whatever. All I did was, to desire Mr. Hamilton, the under secretary of state, to converse with Mr. Manners, and to report whether he was calculated to perform those functions which were attached to the situation of consul. From him I understood that Mr. Manners was a very well educated man, and perfectly qualified to discharge the duties of the office. The learned gentleman says, that Mr. Manners received the sentence of a court of justice, on the floor of the King's bench. Now, Sir, the conduct of the society of which Mr. Manners was a member, would prove the trivial nature of his offence. In the year 1812, Mr. Manners who was studying the profession of the law, applied to be called to the bar. The benchers of Lincoln's-inn mooted a point in his case; they doubted whether he had a right, in consequence of the prosecution in question, to be enrolled in that highly honourable profession. They decided in his favour; and I am sure the learned gentleman will not deny that if he be fit to be a lawyer, he is fit to be a consul. The benchers of Lincoln's-inn informed him, that they would not appoint him until the whole case was seen into. The individual who objected to him was called to give his statement in writing, and Mr. Manners was directed to send in his answer. Mr. Manners requested the present attorney-general, then Mr. Shepherd, who was on the occasion alluded to, counsel for the prosecution, to state whether there was any thing in his conduct, as it appeared on the trial, which ought to operate to his disadvantage as a candidate for the long-robe. Such an answer was given as was perfectly satisfactory. When the benchers of Lincoln's-inn investigated the case, they considered the character of Mr. Manners perfectly established, as that of a person worthy of being called to the bar. The case to which allusion has been made was that of Finnerty *v.* Manners, for a libel. In mentioning this case, I disclaim any personal feelings on this occasion. On a recent occasion, I felt myself bound to call Mr. Finnerty to a court of justice, for what he said respecting me; but I now declare, that nothing but a deep sense of the duty I owed to the public could on any account have induced me to undertake that action. The next appointment objected to by the learned gentleman is that of an individual at Genoa. The complaint here was, that this gentleman had been in his majesty's military service, and was, therefore, unfit for the civil office to which he had been nominated. I do not think the appointment at all improper. I have known the individual alluded to for twenty years, and, as far as I have had an opportunity of judging a more honourable individual does not exist. The idea that mercantile business should only be conducted by men regularly bred to commerce, is not good to the extent to which the learned gentleman pushed it. In situations, such as that to which this gentleman is appointed, the less partiality that is apparent the better. The learned gentleman as alluded to the appointment of a consul at Buenos Ayres. Mr. Stapleton's appointment was made during the administration of marquis Wellesley, and certainly I conceive that it was a very proper one.

Lastly, to make his pamphlet complete, the learned gentleman has entered into an argument on the Catholic question. Now that the question has, for the present, gone by, the learned gentleman comes forward as the great friend of the Catholics, as their determined liberator—now, when the time of exertion has elapsed, he declares, that the country can never be safe or happy, until their claims are acceded to. I wish the question to be settled—I am anxious that the Catholics should be relieved—but, if this question is to be used, as it has been used by the learned gentleman this night, for the purpose of exciting angry feelings against those who were most zealous in promoting its success—then, I say, it is better that it should not be mentioned. With respect to Ireland, I know I never shall be forgiven. I have, with many others, incurred the inexpiable guilt of preserving that main branch of the British empire, from that separation which the traitors of Ireland, in conjunction with a foreign power, had meditated. We know how far the treaty on this subject was carried into effect—we know how solemnly it was made—we know the dreadful dangers which were attendant on it. Those who were foiled in their attempt, have consoled themselves by endeavouring as, far as they could, to throw calumny on my name and character. For what reason? because I exerted myself to defend the people of Ireland from the conspiracy which surrounded them. My conduct has been the constant theme of invective. But I think those who are acquainted with me, will do me the justice to believe that I never had a cruel or an unkind heart. I believe they would not think that I went farther in prosecuting even the guilty, in Ireland than necessity required—or that I had recourse to measures beyond what the danger of the times imperatively demanded. If there were cruelties committed in Ireland (and I never denied that there were), they must fall on the heads of those who provoked that guilty and unnatural rebellion. I say, if the loyal men of Ireland took steps which they abhorred and ever must deplore, it was because they were the persecuted and not the persecuting party. Standing in that situation, they were authorized to use those means which God and nature had placed in their hands, for the protection of their lives and properties against lawless force and violence. When, in consequence of the state of the country, martial law was proclaimed—when the rebels were in the field—government had no power to repress the excesses of loyal men. Those who knew of these enormities (for it must be admitted that enormities were perpetrated) must admit, that the loyal part of the community took the exercise of this power into their own hands, when government could not protect them, and when, in consequence, their arms were strengthened by the operation of martial law.

It was a most ungenerous and a most ungracious task, for individuals, after a long lapse of time, to introduce subjects of this kind [Hear]. It was most unjust, when the means of proving the wisdom and propriety of the acts of government were gone, for those individuals, who, in myriads, might have perished under the lash of the law, to become the calumniators of that government, from whom they had received mercy and forgiveness. With respect to Ireland, he conceded that he was guilty of the inexpiable offence (as it would doubtless ever appear in the eyes of the hon. and learned gentleman) of having prevented the separation of that part of the empire, and of having assisted the efforts of the loyal population of Ireland against the conspiracy of rebels and traitors; but he was satisfied that none who were acquainted with his disposition could accuse him of cruelty: and if cruelties and atrocities were perpetrated at that period (a fact which he did not deny), the blood which had been spilt was on the head of those who had encouraged and sanctioned that guilty and unnatural rebellion. At that eventful period, the loyal were a persecuted party, and they struggled with such arms as nature and resentment gave them, to save themselves from attacks on their lives and property. It was not to be wondered that, in the heat of self-defence and justly excited anger, they should be carried beyond the strict bounds of discretion or mercy, and in the heat of the struggle government had no power to repress their loyal indignation. But it was most invidious and unmanly, at this distance of time, when every individual who had then conducted himself ill, might so long since have been brought to punishment if he deserved it, to stand up as the advocate of those whom government, if it chose, might have consigned long since to the lash of the law. How could any man who had sat silent during the last twenty years now rise up and expatiate on facts which, if true, ought to have been, and would have been, long since the subject of impeachment. It was unmanly thus to countenance that spirit of calumny out of doors, which had long prevailed on this subject, though without any just foundation.—He felt he had been led into a subject too extensive for the House to follow him through, and complained that the hon. and learned gentleman had, on the last day of the session, brought forward this motion, almost without notice, for the sake of entering a protest, as he called it, to rescue his honourable name from the disgrace he chose to attach to the proceedings of the House [Loud cries of Hear, hear!].

Mr. *Brougham* said, that the case of Finnerty *v.* Manners was not that which he alluded to. He adverted to the case of the king, on the prosecution of Hallet, *v.* Manners, where it appeared, that the defendant searched into, and exposed the secrets of the plaintiff's family, and threatened to do so, from month to month, evidently with the intention of procuring money.

Sir *F. Burdett* would not perhaps have made any observations on the present occasion, but for the remarks in which the noble lord had indulged relative to his conduct. Subjects of great interest had been that night brought under consideration; but there was one of paramount importance—he meant that which respected Ireland—particularly as it bore on the character of Mr. Reynolds, and the general employment of spies and informers by government. If the noble lord had made a much less eloquent defence than he had done—if he had acquitted himself less satisfactorily, than his friends seemed to suppose he had done—still no doubt could be entertained but that he would carry his point. This could not be wondered at, when they considered what bench he sat on. There was, from some cause or other, a sympathy between the opinions delivered from that bench, and those adopted by the majority of the House. This might perhaps be explained, if the bench could speak, as a block appeared to have done in former times—

"Olim truncus eram ficulnus, inutile lignum;

Cum faber incertus scamnum, faceretne Priapum,
Maluit esse Deum."

But he doubted very much whether the Treasury-bench could proceed to say with that honest piece of wood—"Deus inde ego, furum, aviumque, maxima formido." The noble lord had endeavoured to justify the scenes that had been acted in Ireland; and complained, that silence had been observed with respect to them for twenty years. This he denied. The conduct of the Irish government was the common subject of remark in that House at the time; and he was old enough to recollect that a specific motion was made, to bring the House to the declaration, that it was highly unconstitutional, illegal, and inhuman, with other epithets of the same description, to countenance the infliction of torture. The persons who then filled that bench, the ministers of the day, felt with the noble lord, and the motion was negatived. But silence was by no means kept on that occasion. If, however, silence had been then observed, he contended that the lapse of twenty or even of forty years, did not oppose a bar to the investigation of the conduct of a minister. The noble lord had pronounced an eulogium on Reynolds. He could not, on this occasion, mention Oliver, Castle, or other persons, of the same stamp, who had signalized themselves in this country—but of course they were "all honourable men." The noble lord knew nothing, it appeared, of Reynolds, but that he was engaged in a conspiracy in Ireland, and had repented of his conduct. Now he (sir F.) would relate a plain tale, which would throw some light on the history of that infamous ruffian Reynolds. [The hon. baronet then read the followingevidence given by Mr. Valentine O'Connor, major and captain Widdrington, Thomas Warner, &c. on the trial of Oliver Bond, in 1798, against whom Reynolds was the principal witness.] Mr. Valentine O'Conner, a merchant of great wealth and high character (which can be vouched for by the present lord Rendlesham), swore that Reynolds to his knowledge was of so bad and infamous a character, that he was not to be credited upon oath. That he had good opportunities to be acquainted with the conduct and character of Reynolds, as he was nearly connected with him by marriage. Major Witherington, and his brother captain Witherington, whose sister is married to Reynolds, swore that they did not entertain any doubt, but that the death of their mother was occasioned by poison having been administered to her by Reynolds, and that in order to conceal any traces of the real cause of her death, he (Reynolds) had her corpse wrapped in a pitch sheet, before they, her sons, arrived in Dublin; and they further swore, that Reynolds robbed her desk and private drawers of several hundred pounds. Thomas Warren, who was a partner with Reynolds' mother, in a manufacturing concern in the liberties of Dublin, swore, that he had detected Reynolds at various times of having robbed their warehouses of property to a considerable amount, and that he was not entitled to credit upon his oath, and when the counsel for the prisoners asked Reynolds if he could deny this charge, he replied with much levity and indifference he would not, that he did steal the goods, and that he made use of the value to maintain a whore, whom he had at the time in keeping. Reynolds at the time he became the agent of the government of Ireland to foment the rebellion and to endeavour to entrap men to treasonable acts and conversations, was in the most indigent circumstances; but after he had consigned to death, by his evidence, as many as the government considered sufficient for their purpose, he was rewarded most bountifully with pensions and money which have enabled him for the last seventeen years to live in splendour. On the day of the arrest of Bond and many others, on the secret evidence of Reynolds, he (Reynolds) called and dined with Mrs. Bond, and in the course of the afternoon endeavoured, as much as possible, to cheer the spirits of herself and her children and to elicit from her any knowledge which she possessed of her husband's treasonable practices; previously to his departure from the house he took up one of Bond's children upon his knee, assured the child he would soon deliver his father from prison, and drank a glass of wine "to the speedy destruction of the infamous government which tyrannized over Ireland." That the noble lord had not heard of these facts was astonishing, but, having heard of them, that any man should speak of Reynolds as an honourable character, as a person fit to be trusted by government, was still more amazing. Let the House look to the situation in which Reynolds was found in this country. He was not dragged before the public from an obscure situation, but, living in affluence, he was summoned, and acted on a grand jury, for the purpose of finding bills, by which the lives of men in this country were placed in jeopardy. The character of this man was so infamous, that he thought lawyers would entertain very great doubts, whether a bill found by a jury on which such a man was placed, could be acted on. Lord Coke was of this opinion, who stated, that he who acted on a jury should be probus et legalis—and, in his (sir F.'s) opinion, the appearance of such a person on a jury vitiated all their acts. Was he, then, a man fit to be rewarded by government? Could such a person be held up, by any government, as a praise-worthy character, without exciting that feeling of disgust in the country, which honest minds could not suppress, and which must be highly disadvantageous to the government itself? But the system of spies and informers was now generally acted on. Informers were sent through the country to rake up discontent in the haunts of misery and wretchedness. When a number of those persons were traced from the secretary of state's office into remote parts of the country—when those miscreants were found endeavouring to promote those disturbances, on which ministers built the overthrow of the rights and liberties of Englishmen—the prospect became indeed alarming. All that his learned friend had said, with respect to the conduct of parliament during this session, was perfectly true. They had exerted themselves, not for, but against, the liberties of the country. They had destroyed, ministers would say, suspended, the liberties of the country. But, in his mind, it would be better to strike the act of Habeas Corpus at once from the statute book, rather than, by making a parade of the necessity of suspending it, to give to ministers an opportunity of introducing other laws, in the highest degree arbitrary and despotic. Here the hon. baronet, as a proof of the means which spies and informers were constantly adopting, in order to entrap the unwary, instancedthe case of aprinter, who was applied to for the purpose of striking off a number of inflammatory bills, which he was ordered to enclose to a person of the name of Nicholls. He very prudently gave information of the circumstance at the secretary of state's office, but was astonished to see, at that office, the very Mr. Nicholls, to whom he had been directed to transmit the seditious bills. Sir Francis denied that there was any discontent in the country, approaching to treason. He knew that dissatisfaction and discontent existed. They naturally grew out of the arbitrary measures of government, the shameful taxation by which the people were weighed down, and the notorious corruption of that House.—When the noble lord spoke of individuals countenancing traitors, he would tell him, that it was he who countenanced traitors; and he ought to bring some of them to trial, in order to show, that he had no hand in those vile, and wicked transactions, of which he might say he knew nothing, as he had already done, with respect to Reynolds and Manners—the latter of whom was the most detestable private calumniator that ever appeared in the country. Castle and Oliver, and men of that description, were the real traitors. Heaps of letters had been sent to him, describing their conduct; but those who sent them, declined giving their names, while the constitution of the country was suspended—[Hear!] The noble lord might smile; but those who were imprisoned throughout the country, who were dragged from gaol to gaol, who were plunged in solitary confinement, and, from the acuteness of their feelings, were threatened with a deprivation of reason, they had no reason to smile. The noble lord, after the scenes he had witnessed in Ireland, might consider these as trifling punishments, not worth the attention of the House. The noble lord expressed a great veneration for the law of nations. But had he shown any respect for that law, when he transferred men, like herds of cattle, to different despots in Europe—for so he would call them? The noble lord had not yet placed a shackle on the mouths of the members of that House, and he would make use of the privilege he enjoyed to speak his sentiments fully. Perhaps it might be said, that it was impossible to place the different states of Europe on their ancient footing. It might be so; but no difference of opinion could exist on that part of the subject which respected those infamous characters whom the noble lord unfortunately selected for his employment in different parts of the world. The noble lord had observed, that Reynolds was placed in a situation of trust. This was an aggravation of the circumstance; for such a man was utterly unworthy of confidence. He should have been employed as a spy, for he was a very proper person to fill such an honourable post. He supposed, an order of spies would soon be created. As the grand torturer, Sir, what was his name, Fitzgerald, had been made a baronet, so it was probable Mr. Reynolds would be made a grand-cross of this new order. The system was a new one in this country. It excited general disgust; and if it could be thought necessary to employ such persons in an honourable and free government, at least they ought to be kept out of sight, and all moral feeling ought not to be shocked by such panegyrics upon them as those which had been uttered by the noble lord. All writers agreed in stating, that the employment of spies and informers was a proof of tyranny. They were employed in the times of the worst of the Roman emperors. They were employed by Nero and Caligula. No doubt there existed conspiracies against those despots; and if the noble lord had been a minister of Nero he would probably have made the same panegyric that was made in the senate of that period on the infamous wretches who were employed, and would have equally justified the horrid cruelties that were exercised. No doubt there was a conspiracy against Nero, and no doubt there would be a conspiracy against every vile and infamous government until every manly feeling should be expelled from the human bosom, and fear should be the sole motive of human action. We were positively at present under a military government—a government of the naked sword; for soldiers were every where used, and the old constitutional laws were disused. More especially now that parliament was about to separate, the country would be at the mercy of the executive government; a situation which was intolerable to a man of any generous feeling. To hold one's liberty at the pleasure of another man was a state of life scarcely preferable to death. No evil could be greater than solitary, arbitrary confinement. Had there not been a petition that night presented from a person who had been imprisoned for seventeen weeks, who was taken up because he promoted a petition for parliamentary reform—who was sent to gaol, put in irons, and yet against whom, when he was brought to trial, nothing could be substantiated. If to petition parliament for reform was high treason, let it be at once declared so. Let the country know to whom allegiance was to be considered as due. Let it be proclaimed by what rule men held their lives and liberties. In the greatest tyranny on earth the law was published; and no attempts were made to entrap men and circumvent them, and put their lives in jeopardy, when they were doing that which they did not consider at all as drawing on them the imputation of crime.

The *Attorney-General* said, he was quite unacquainted with Mr. Reynolds, but thought he had been unfairly dealt by. When Mr. Reynolds was a witness on the trials alluded to in Ireland, all the attacks now made on him were made to induce the juries not to believe his testimony; but, after the fullest investigation of the circumstances of the case, the veracity of Mr. Reynolds was confirmed before three different juries, and on his evidence principally the persons tried were convicted of the offences of which they were accused. Afterwards, on Mr. Reynolds's evidence at the bar of the House of Commons, bills of attainder were agreed to. Thus had Mr. Reynolds's character passed through a very fiery ordeal without injury; unless the verdict of juries were not to be attended to when they convicted, but only when they acquitted the persons charged before them. The great fault of Mr. Reynolds was his having entered into the conspiracy, for which he afterwards made an atonement. He (the attorney-general) was one of those perverted beings who did not think that it was criminal in a man to come forward, and make an atonement for a previous offence. So far from thinking such conduct a crime, he was one of those wrong-headed persons who called it a virtue. As to the appointment of Mr. Reynolds on the grand jury, government knew no more of his having been so appointed than the hon. and learned gentleman himself. He had been informed, that on Mr. Reynolds's being summoned on the grand jury, he was anxious to get rid of the burthen, and asserted that he ought to be excused on the ground of his being appointed a consul to a foreign state; but this was refused by the summoning officer. With respect to Castle, it was not until a considerable time after the 2d of December, that a single individual connected with government, was aware that such a person as Castle was in existence. He had nothing to do with Castle's general character; but he had stated facts, and without wishing to comment on the verdict of the jury, he thought, and should think as long as he lived, that the law officers of the Crown would not have been justified, had they not put the persons on their trials who had recently been acquitted. Adverting to the case of Mr. Manners, he repeated the statement which the noble lord had made on the subject of the trial of that gentleman for libel. Was it because a man wrote an angry answer to an attack made upon him, that, however erroneous he might be in doing so, his character was to suffer, unless it could be shown that his moral feeling was impeached? If such attacks as those which had been made on Mr. Reynolds and Mr. Manners were listened to, there was no man, however honourable, who had political enemies, that might not be so assailed by affidavits and similar statements. The hon. baronet had said, that the employment of spies and informers was a system of a tyrannical government. This might be a very convenient doctrine for those who were no enemies to conspiracy and treason. It would be very convenient for persons who were engaged in any criminal proceeding to establish that he who was a spy, a partizan, or an informer, ought never to be believed. That once established and complete, impunity would be established for all kinds of guilt. He allowed that the testimony of such an individual ought to be received with great caution, but when confirmed by that of other witnesses, and by the circumstances of the case, to reject it would be to grant an indemnity to crime.

Mr. *Bennet* said, that he could not listen to the declaration of the noble lord that those who differed from him on this subject were abettors of treason and malignant calumniators, without repelling the accusation with all the scorn which it merited. As long as he had a seat in that House, he would exercise his right to inquire into the conduct of our government.—With reference to the surrender of Genoa to the king of Sardinia, and the transfer of upper Saxony, he could not remember without indignation and shame the share which our government had in those infamous transactions; and he was persuaded, that although the votes of that House might carry the noble lord through at present, future historians would represent those transactions as blots and stains on the administration of the noble lord, and on the character of the parliament by which they had been sanctioned. It might suit the system of the noble lord to put down by clamour what he could not refute by argument. But he begged leave to tell that noble lord, that he was not to be intimidated by his boastings or his threats from doing his duty. That he considered the conduct of government as a disgrace to the nation, and thinking so he was not to be deterred from publicly, here and elsewhere, proclaiming his opinion. The noble lord had said much about his own feelings, and for himself he had no doubt that the noble lord had a kind heart; but certainly if the Irish government had not encouraged the horrible practices so often alluded to in the course of the evening, they had winked at them. He did not accuse the noble lord and the Irish government of having personally inflicted torture, of having flogged their miserable victims with their own hands,—but he accused them of having not only not punished those who perpetrated these enormities, but of having singled them out as fit objects for reward. When he looked, therefore, at the power given by the suspension of the Habeas Corpus, and considered to whom it was given, he was filled with alarm at the recollection of the cruelties that had taken place under a similar superintendence. The noble lord had certainly identified himself with some of the worst proceedings in Ireland, by his having consented to make Mr. Judkin Fitzgerald a baronet. It was to prostitute the honour, thus to bestow it on a man against whom he could not find terms sufficiently forcible to express his indignation. He instanced several cases to prove the cruelties of which he had been guilty. One was of a schoolmaster who had been flogged because a French note was found on him; although when that note came afterwards to be translated, it turned out to be merely the apology of a French teacher for non-attendance! This infamous character whom the noble lord rewarded for his crimes with the honour of rank and title, not only never denied the atrocities to which he had alluded, but avowed on his trial, that he had tortured for the purpose of extorting confession, that he had so done often, and that he gloried in the deed.—On the trial, the report of which he then held in his hand, between sir Judkin Fitzgerald, the noble lord's baronet, and Mr. Francis Doyle, this sentiment was repeatedly avowed, to the honour of the judge who tried, and the auditors who heard the cause; and yet to a wretch of this class and description, the honours that the Crown ought only to bestow on the meritorious public servant were prostituted. Judging then what the government might do, from what they had done, he could not contemplate without alarm the powers that were placed into such hands. He had in his hand two depositions to acts of a similar kind. One was the affidavit of John Clare, of Essex-street, Dublin, merchant-taylor, sworn on the 31st of October, 1810, and stating, that in the memorable year 1798 a number of floggings, half-hangings, &c. took place at the Royal Exchange, immediately adjoining the Castle gates, at the lower Castle-yard, at the Barracks, at Essex bridge, &c. all of which must have been known to the noble lord opposite. Among other things the deponent declared that he had seen men pitched and tarred, and hunted through the streets, on whom torture was afterwards inflicted. Another affidavit was from Timothy Brophy, who deposed, that in 1798 he had been offered a commission to give information, but that, having no information to give, he had been tortured. He was stripped naked, tied hands and feet, and whipped to the amount of 100 lashes. His raw back was then rubbed with salt and gunpowder, and the whipping was renewed, until he became insensible. They had heard a great deal about the excellent moral character of Reynolds. He was the last man in the world to wish to attack the character of individuals, or to drag them unnecessarily before the public. He would admit too, that under the circumstances of the rebellion in Ireland, it was perhaps the bounden duty of the administration of that country to avail themselves of the evidence of such persons as Reynolds. But when speaking of the character of such a person, it was always to be remembered that he had sworn a solemn oath to the United Irishmen—he had sworn a solemn oath to be true to them, and that he afterwards turned round and swore away the lives of those persons to whom he had thus sworn to be true. But it was said his character had been completely white-washed—that he was quite regenerated—that his conduct subsequent to that time had been most exemplary, and that all that he stated on the trials of the United Irishmen had been most satisfactorily established by the most undoubted authorities. All that Reynolds stated at the trials of Oliver Bond and others might be perfectly true. But the circumstance of his being believed by juries at these trials did not necessarily establish his character. The greatest liar might sometimes speak truth. The most infamous characters, such as Reynolds, Castle, and Oliver, and the 100 other agents of the same class and description, might give true evidence on their oaths. But did their speaking truth make them less infamous and degraded—did the circumstance of their being credited by juries, wash out their former crimes in the infamy of their new trade. There were many instances in our history of men having been believed by juries, who were not on that account considered less infamous characters. In the Popish plot the evidence of Oates and Bedloe and Dugdale was not only believed by juries, but even by the House of Peers. But were the characters of these persons attempted to be set up, because juries and the House of Peers believed their evidence [Hear, hear!]? Would any person attempt to set up Castle—would he be less the bully of a brothel—would he be less the person who was guilty of forging bank notes, if his evidence had been believed by a jury, as it happened not to be believed? This man had been before employed by government as a spy, though it had been stated that government knew nothing of him till a considerable time after the transaction of the 2nd of December. He could not, however, believe that the secretary of state for the home department was ignorant of it. He happened to know that the noble lord at the head of the home department, and the chief justice of the court of King's-bench, knew of this. A letter was written to the noble secretary, informing him of this man having appeared as a spy, by the transport board. For transactions in which he was implicated he would have been convicted in a court below; but he was brought up to the court of King's-bench by a *certiorari* by lord Ellenborough. As this was a government spy, he was not to be punished, but rewarded—he was kept till another opportunity, that he might again be let loose on the public. He knew that the noble secretary of state for the home department was acquainted with this by a letter from a magistrate; and therefore, when a right hon. gentleman said government knew nothing of him till a considerable period after the transactions respecting which he gave evidence, from the courtesy due from one member to another, he was bound to say, he believed that the right hon. gentleman knew nothing of the circumstance in question; but the noble lord (Sidmouth) knew about it from the correspondence with the magistrate; and Castle was known to government as one of the most wicked and profligate characters ever let loose on the world [Hear, hear, hear!]. They could therefore no more disclaim their connexion with this man, than they could with their new Protegé Oliver. He was entitled to think, that the employment of spies and informers reflected discredit on the government. When the affairs of a country went on smoothly, a government were always very willing to take credit for the circumstance; and certainly on the other hand discredit was due to a government when a country was in such a disordered state as this now was. We now witnessed something which had never been heard of before. Men were let loose on the country of a most infamous description—men who lived by the existence of disorder, and whose interest it was to create disorder if they found none. With all the respect which he had for the noble lord at the head of the home department, he could never think of the circumstance of Oliver having been let loose on the country in the manner he was but with abhorrence. In his progress from Birmingham to Wolverhampton, for he himself knew that he was there, and to Nottinghamshire and Lancashire, he had been guilty of stimulating unfortunate wretches to acts for which their lives were forfeited. Whenever Oliver withdrew from the scene, a complete change took place. Had his majesty's government, in 1812, stimulated the people in the disturbed counties in the manner in which Oliver and men of that description had lately stimulated the people—had they sent delegates among them to inflame them, as men's minds were more disturbed than now, the results would have been very different. And he would caution government during the recess not to play the same game over again—not to stimulate the people to acts of violence, that these acts might serve as a justification to further encroachments on the liberties of the country [Hear, hear, hear!].

Lord *Castlereagh* said, after what had fallen from the hon. gentleman who had just sat down, and after the affidavits which he had introduced to the notice of the House, he hoped the House would indulge him a few minutes while he called their attention to the subject of those affidavits. Some years ago he had conceived it incumbent on him, as a public duty to prosecute Mr. Finnerty for a libel. He put it to the hon. member, whether he had not received these affidavits from Mr. Finnerty? He had declined the offer of government to carry on that prosecution, and on that occasion, as well as in the case of Jones, he had gone before a grand jury himself. He had not from any private feeling, but as a public duty, felt himself called on to prosecute Mr. Finnerty. Mr. Finnerty thought that he (lord C.) was the individual who kept him from going to Walcheren; an imputation on his loyalty, as he conceived. After the prosecution was commenced an hon. officer, now in India, called upon him, and told him that Mr. Finnerty was sorry for what he had stated, with respect to him (lord C.), that he was unwilling to go into the King's-bench, and that he wished him to desist from the prosecution. He then told the officer alluded to, that he could not consent to hush up the prosecution, as that might give rise to inferences which he could not wish to be made; and that Mr. Finnerty might go into the King's-bench, and state what he could in his defence. Mr. Finnerty shortly afterwards went to Ireland, and collected there those extra-judicial affidavits from some of which passages had been that evening read to the House. Mr. Finnerty was a convicted libeller himself—he was convicted of publishing a treasonable and seditious libel; and under these circumstances he was perhaps not unfitly removed from Walcheren; but Mr. Finnerty was mistaken in supposing that he (lord C.) had any thing to do with that removal. Mr. Finnerty's character, therefore, did not stand particularly high as a loyal subject. Because, therefore, he would not compromise with him in a court of justice—not that he bore any resentment towards him, but because if he had done so, it would have been thought that he shrunk from inquiry—he had thought proper to collect these affidavits. He was stopped by the court from reading them. He, however, had read two of them. In one of them he (lord C.) was charged with having sent a man to Botany Bay on his own authority. What, he would ask, would be the situation of public men, if in this manner affidavits were to be got up, and read in the House with respect to the various transactions in which they happened to be engaged, and they were obliged to prove a negative in every case. He believed the hon. member (Mr. Bennet), a most respectable individual, and a man of honour—he was astonished, therefore, how he could bring such an affidavit as this before the House. A fortnight after the affidavit alluded to had been read in court, he had received a letter from lord Bantry, and captain Sutherland, stating their astonishment at this charge, and that they were two of fifteen men who had tried the man alluded to under martial law, and sentenced him to fourteen years banishment to Botany Bay. In the other affidavit he was charged with having been present at the infliction of torture; but though he could not consider the military punishment of flogging as torture, yet if that punishment had not been inflicted, recourse must have been had to the sword, which would have wasted a great part of the population; he went along with the hon. gentleman in considering the use of flogging to extract evidence from men as most wicked and unjustifiable torture. He could only say that he had never seen any man punished in this way in his life, except a soldier in his own militia regiment. This was the only two charges which were known to him, because they were the only ones which were dragged out of a bundle which Mr. Finnerty had thought proper to get up, because he (lord C.) would not compromise the prosecution against him.

Mr. *Hiley Addington* said, that an hon. gentleman had stated, that his noble relative was acquainted with Castle before the late transactions. He could only say, that he had distinctly heard his noble relative state that he had never known any thing of Castle till January last. An hon. baronet had read an extract from a pamphlet, the name of the author of which he had not mentioned. As to the facts stated in the extract, he knew nothing of them. But this he could say, that although Mr. Nicholls might be once or twice in the secretary of state's office, he did not in any way come under the sweeping stigma of having been employed by government. He rose principally to do an act of justice which he should be ashamed of himself if he shrunk from, towards an injured individual who had been most cruelly treated both within doors and without—he meant Mr. Oliver. Within the last fortnight, two or three most respectable magistrates of Yorkshire, who had taken an unfavourable impression against government, and conceived that Oliver had instigated the insurrection, requested that that individual might be examined at the home office in their presence on the subject. Their request was complied with, and that individual did undergo an examination during two mornings in their presence. One of them was a respectable magistrate of Yorkshire, and the other a member of the House, not now present. They took the examination themselves, in presence of the individual who principally brought the charge against Oliver. What was the result? Both of them declared to his noble relative, that they were completely satisfied the charges against Oliver were unfounded, and that there was not the smallest reason for supposing that the insurrection was instigated or promoted by any thing he had either said or done. Such was the result of the examination, and he was sure the House would think that he had only done his duty in rising to vindicate the character of that calumniated individual. He begged leave merely to add, that Mr. Oliver had come to the home office with the most respectable references in April last; he came to give information which he had accidentally obtained; he had never been a party to any treason; he had never made any bargain with the government for the information — he had never made any charge — he had never received any thing from government up to this moment but payment of his travelling charges. Previously to the 23d of May, most respectable magistrates from the neighbourhood of Nottingham, Liverpool, Manchester, and Birmingham, had sent information to government that a rising was expected to take place on the 9th of June, and all the accounts wonderfully coincided. Mr. Oliver was sent down principally with a view to gain information respecting that rising.

Mr. *Barham* doubted much whether the country, or even that House, would concur in the judgment of acquittal which the secret tribunal to which the right hon. gentleman referred had pronounced on the spy, Oliver. For his part, his judgment could not be on the favourable side, when he recollected what he had heard from a departed right hon. friend of his, whose memory had been so justly eulogized that night. The late Mr. Ponsonby had told him, that he believed, in his conscience, the insurrection would not have taken place had it not been for Oliver. He had been so struck with this observation, that he asked his right hon. friend to repeat what he had stated, and he did repeat it.

Lord *Cochrane* declared, that parliament had been, since the commencement of the session, employed, not in redressing the grievances of the people, but in repressing the expression of their sentiments. None of the allegations of the petitions on the table had been inquired into: but when green bags were introduced by the noble lord opposite, they were, without delay, referred to committees, and reports made to the House, without any opportunity being afforded to show the falsity of the allegations in the evidence. He had intended to have moved some resolutions expressive of his opinion of the state of the country, during the session, but had never had an opportunity of bringing them forward.

Mr. *W. Smith* could not help expressing his satisfaction at hearing the condemnation of torture to extract evidence which had been pronounced by the noble lord. With respect to sir Thomas Judkin Fitzgerald, he knew not whether he was dead or alive, but he held in his hand a pamphlet bearing to be a report of his trial. This report contained the defence of Fitzgerald by himself, in which he expressed sentiments most opposite to those which the noble lord had expressed: for he declared to a jury, that on a variety of occasions he had ordered to be flogged persons who afterwards proved to be innocent, for the purpose of extracting truth. If this was not true why had it not been contradicted? Was it not true that the man who had stated, in a court of justice, that he had made use of torture in a number of instances for the sake of obtaining truth, had afterwards been made a baronet? If this was true, would not the fair inference be, that government not only wished the infliction of torture, but had rewarded this individual for doing that which they were ashamed to do themselves?

Mr. *Canning* said, he was as unwilling as the hon. gentleman (Mr. W. Smith) to prolong the debate; but after the revival, not for the first nor the twentieth time, of charges which had been as often refuted as they had been brought forward —after the renewal of calumnies which, generally from their nature, and particularly from the appearance of candour and moderation with which they were now introduced, were calculated to make an undue impression, he could not suffer the question to go to that division which must consign it for ever to the contempt of the House and of the country, without offering a few observations upon the matters and the conduct of the discussion. Every man who had witnessed the course lately adopted, on more than one occasion, by the hon. member who spoke last (Mr. W. Smith), must have been surprised at hearing him profess his ignorance, whether the defendant in the cause to which he referred was alive or dead.—The dead or the absent had been, in late instances, the objects of the hon. gentleman's attack. The former, he had found, might sometimes make reprisals,—[Hear, hear!]—the latter were wholly precluded from reply, and for the satisfaction of the hon. gentleman, he (Mr. C.) could assure him that the person he had named on this occasion was now no more. But however convenient this species of hostility might be, it would at least be more fair and more generous if the hon. gentleman were to confine his future attacks to the living, if not to the present—[Hear, hear, hear!]. —The hon. gentleman had entirely mistaken the nature of the plea of his noble friend (lord Castlereagh). He (lord Castlereagh) had not endeavoured to evade inquiry; on the contrary, he had most assiduously courted it; and that too in the manner which would be best calculated to elicit truth. He had courted a distinct examination into the matters charged. It was the present mode of introducing the accusation against him which his noble friend deprecated. He required what justice dictated, and what no man who had a feeling of justice could deny—that the matters of charge should be distinctly brought forward,—that he might be sent to his trial fairly, and with due notice,—and that his conduct in Ireland might not be mixed up with that infinity of detail, that mass of irrelevant matter, from foreign politics to cotton twist,—(a laugh) —with which they had been jumbled on the present occasion. His noble friend had justly to complain of the manner in which this accusation had been brought forward; for how did he stand with respect to it? He was now—not during the currency of a session when there was space for discussion and opportunity for refutation, but on the very eve of a prorogation, when reply was almost impossible, at least was thought to be so—charged with what, if true, would not only render him unfit for the high situation which he filled, but would justly expose him to the most severe animadversions of parliament, and to the execrations of his country—[Hear, hear!]—He (lord Castlereagh) had to complain, not only that the transactions to which allusion had been made, were those upon which a period of twenty years had closed, but also, that the charges extracted out of them were thus incidentally thrust forward for no other reason than because there was some chance of their remaining unrefuted [Hear, hear!]. But let the House examine a little farther into the sources from which these charges emanated. Had the hon. member (Mr. Bennet) ventured to give a direct answer to the question of, from whom he procured his affidavits? Had he informed the House whether it was from a pardoned traitor or a pilloried libeller?—[Hear, hear!]—He (Mr. Canning) did not presume to assert that information procured from such sources was altogether to be discredited; but, conforming to the generally received opinions of mankind, it might have been as well, if the hon. gentleman had stated to the House what the nature of those sources was—that though to him they might have appeared perfectly pure and acceptable, yet still they were such as, to ordinary minds, would carry with them an aspect of suspicion. [Hear, hear!].—Calumnies, founded on the authority of a traitor who had been pardoned, or of a libeller who had had the advantage of standing in the pillory, might, no doubt, be very satisfactory to some gentlemen's minds: but still it seemed right to disclose the channel through which they were procured, from compassion to the poor, feeble understandings of those who, not yet *up to* the times, thought, as of old, that the less polluted the sources of intelligence, the better.—[Hear, hear, hear!]—Putting these considerations for a moment out of view, and wholly abstracting the transactions to which these affidavits related from the connexion which had been endeavoured to be established between them and his noble friend, he would ask, was this the time when such circumstances ought to be brought forward for discussion? Was this the time when we were to go back to that unhappy period in the history of Ireland—to take up and bring to view all the disgusting effects of those dissensions, which, unhappily, convulsed that kingdom twenty years ago? [Hear, hear!]—No doubt it was possible, it might even be easy, to drag forth instances of atrocity, of public treason, and private violence, to equal if not to exceed the crimes of the present day; but what purpose would that answer? Was there a man who valued the tranquillity of his country, or had at heart its security, who did not wish that the veil of oblivion should be drawn over scenes so long passed and so deeply to be lamented: or, who if he should feel it to be an act of duty to call back the public attention to them, would not wish to do it with all the solemnity of a judicial inquiry? [Hear, hear!]. What was this night, and in this place, the apparent object of their introduction? Was it satisfaction and reparation to the individuals said to be injured? That could not be; for the House of Commons was not the proper place where such reparation could be made. Was it to bring the individuals said to be concerned in such atrocities, to justice? Why then was not the proper form resorted to?—Why was not an inquiry proposed, or an impeachment instituted? The present mode of noticing these transactions could lead to none of these ends. For let the fate of the motion be what it might, the imputed guilt or real innocence of the individuals thus collaterally accused would still remain undecided [Hear, hear!]. The only object that could by possibility have been attained, was one which the answer of his noble friend (lord C.) had defeated—that of giving a temporary triumph to unfounded calumny. But notwithstanding the advantage which truth and justice had given to his noble friend on this sudden and unprovoked attack upon his character, what was the situation in which the present charges had placed him, compared with his un-named accusers?—They who, perhaps, had shared in repeated pardons, who had hid their heads beneath a general amnesty—[cheers]—what is the generous use now made of their immunity from punishment?—Pardoned traitors, who are indebted for their safety, perhaps for their existence, to the clemency of his noble friend, were produced as his accusers! as witnesses on whose evidence he was to have been convicted, if, in his oblivion of the heats and animosities of those days, he had also (as well he might) cast aside the memory of his own individual acts, and of the means of his own justification [Hear !]. If the legislature had consented to bury in oblivion the crimes of rebellion, was it too much to expect that they who owed all to that circumstance should also permit their's to be forgotten ? Was it too much to expect, that after twenty years, rebels themselves should forgive to the Irish government the crime of having forgiven them ?—[Much applause]. On this part of the subject there was one circumstance which the personal delicacy of his noble friend, particularly with regard to one individual, had hindered him from mentioning. His noble friend, on the change of government from lord Camden to lord Cornwallis, had made strenuous and successful exertions to screen one convicted libeller from the remnant of his merited punishment, and the House had that night witnessed the reward of those exertions—[Loud cheers].

If the manner of introducing this personal attack has been extraordinary, the occasion on which it was brought forward was not less remarkable, nor less deserving of censure. Was there, he would ask, a single member in the House, not previously informed of what had been intended by the present motion, who would have supposed, from the notice given by the hon. and learned gentleman that it was to be made the vehicle of a personal attack on his noble friend ? Was there one member who could for a moment have imagined, that instead of a retrospect of the business of the session, and perhaps a general censure of the conduct of ministers, he should be obliged to listen to a gross personal attack on one individual ? An attack which, had not that noble person been unfortunately enabled from recollection of circumstances to repel it, might have consigned him to a misconstruction of five months,—to the obloquy of a whole recess,—during which he might have been held up to the contempt and abhorrence of his fellow-subjects—[Hear, hear!].—He would, however, do the hon. and learned mover of the address the justice to say, that he had only sketched the outline which the hon. members who followed him had filled up. But did it, or could it, enter into the mind of any man, that even if the avowed object of the motion had been (what it was not) to examine the conduct of his majesty's ministers of the present day, he should hear only an inquiry into the conduct of the government of the year 1797? [Hear, hear, hear !] If no consideration of justice to his noble friend could have weight with gentlemen on the other side, was the conduct of the government in Ireland (if that were to be made matter of inquiry) of such trifling import as to be thus introduced collaterally, and without any previous notice ? Did gentlemen conceive that the conduct of successive administrations in Ireland 20 years ago was of such notoriety, and so fresh in the memories of all, that facts and dates could be quoted as if they were the occurrences of the last month ? If these matters, therefore, were to be discussed at all, were they not of importance enough to engage the attention of the House separately, and to be brought before them upon due notice and with due deliberation ?

He would admit with the hon. member (Mr. W. Smith), that a reference to the affairs of Ireland at the period alluded to might afford a warning lesson to future governments ; but he denied that it was such a lesson as that hon. member inculcated. The example of Ireland did, indeed, show how cautiously the executive power should watch the slightest indication of an approach to that condition in which, for want of sufficient authority and protection in the state, man takes arms against his fellow man in civil contest. It showed how promptly it was the duty of a government to come forward on the first menace of such an alarm with precautionary measures to insure the public tranquillity—[Hear, hear, hear !].—Had the subject been introduced at an early period of the present session, it might, therefore, have been useful in stimulating parliament to adopt measures adequate to the suppression of rebellion in its infancy — [Hear, hear !]—but, except for such purpose, it would, he must confess, be difficult to conceive its utility. He knew no lesson of moral or political utility that could be derived from the contemplation of sufferings and inflictions that make the heart shudder—from exhibiting in detail those violences and cruelties of which, whoever were the perpetrators, the nation must seek to efface from the feelings of this generation, and from the recollection of mankind (if possible) the sorrow and the shame.

He should now say a word or two on the proposed address. In his opinion, were even all the matters that it contained in themselves unobjectionable, it would be a sufficient ground for its rejection by the House, that, professing to be a faithful review of the proceedings of the session, it omitted many most material transactions of the session altogether. Many, and those (he thought) the most remarkable of the decisions of the House were wholly passed by.—Was it not somewhat strange, for instance—did it not, he would add, show some want of respect to the noble lord (Cochrane) and the hon. baronet his colleague, the members for Westminster—might it not disappoint, in a great degree, their hopes of future fame—that on the subject of parliamentary reform—that one great and important topic, on which they had bestowed so much of their valuable labour—the address should be silent as the grave? Was it not wonderful that that interesting question, with speeches on which the House rung at the early period of the session, should now be thrown into oblivion, as if its hon. and learned advocate were ashamed of his half-adopted child? Surely the noble lord (Cochrane) and the hon. baronet (Burdett) must deeply deplore that not even an allusion had been made to the countless petitions which they had the honour of presenting in favour of universal suffrage, and annual parliaments—[Hear! and laughter].—That fatal omission would be a sufficient reason for his (Mr. Canning's) voting against the present address. He had no objection to a statement (call it address if you will) being made at the end of the session, as a review of the proceedings of parliament, and as a counterpart to the speech from the throne; but it was quite essential to such an address that it should contain an accurate review of those proceedings. Great care should be taken that if such a practice were to be established, the precedent should, in the first instance, be scrupulously correct. But what was the instance before the House? Could this address be called a fair review of the labours of the House since the opening of the session? What was the business with which the session opened,—and with what was it occupied day after day, week after week, and month after month, without respite or intermission?—With petitions for reform in parliament,—poured in by hundreds at the door, and raised in pyramids before the table. These, though nominally for the same object, exhibited, nevertheless, that beautiful diversity by which the House was relieved in some degree from the tediousness of repetition—[A laugh].—Of them, it might be truly said,

> "————Facies non omnibus una
> "Nec diversa; tamen qualem decet essa sororum."

Exactly alike assuredly they were not; but there was such a resemblance as well became the children of the same parent—the works of the same hand.—There was in truth a wonderful sympathy in this respect between the most remote parts of the country; a miraculous conformity of thought and action among all the sentient puppets in various and distant provinces, which were kept in motion by the skilful master of the show in town—[Hear, hear!].—The pulsations in the extremities responded with surprising regularity (by the intervention of the mail coaches) to the beating of the old heart in the centre—[Hear, hear!].—But all these important considerations seemed to have been forgotten by the hon. and learned member. When he took his Pisgah retrospect of the session and its business gazing at it as a land of promise, (which, however, had not been, and in the hon. and learned gentleman's sense, God forbid that it ever should become a land of performance), the hon. and learned gentleman, standing on the lofty eminence to which his imagination had raised him, had altogether overlooked that mountain of petitions which he and his friends had piled upon the floor. Was it possible that the noble lord or the hon. baronet could be contented to adopt an address so defective? To recognize a portrait of which the most prominent feature—the very nose was left out?—[Much laughter]. How was it possible to account for the fatal deficiency? The mystery was one which he (Mr. C.) believed it would puzzle the sagacity of even the worthy magistrate opposite (the lord mayor) to solve [Laughter].

If he recollected rightly, Pope, or some earlier poet, had these lines,—

> "Authors lose half the praise they would have got
> "Did but their readers know how much they blot;"

and most applicable were they to the address before the House. Judging from the many erasures, alterations, blots, and blurs, he should take it to be the work of many heads, and of many hands,—[Laughter]—and it formed a singular illustration of the hon. and learned mover's notions of political economy. The division of labour was, the House knew, the true principle of successful workmanship. —[Continued laughter].—But with the venerable major at his side, was it not somewhat singular that the hon. and learned gentleman should have divided the labour so unequally and unfairly as to have assigned to his ancient and respectable friend, the manufacturer of 500 or perhaps 500,000 petitions for parliamentary reform, while he himself, and all his able co-adjutors, should employ themselves upon an address, which at last was but a wretched specimen of composition and penmanship?—[Laughter].

Generally speaking, nothing was more easy than the drawing up of an address on the opposite side of the House. It was only necessary that the parties should agree upon some certain point of crimination against ministers,—that they should remain firm in the negation of some general principle, or in attack upon some particular measure. It was an old and a very wise observation of a celebrated leader in that House, that opposition should never venture from the negative to the affirmative; and he (Mr. C.) thought that it was this principle which must have operated with the framers of the present address, to avoid launching forth on the boundless sea of parliamentary reform. No unanimity for them on that question. Indeed, he could not conceive a more amusing scene than would have been presented by this attempt to turn a sentence upon that subject, with which they might all be satisfied—[Hear, hear!].—There were first the noble lord (Cochrane), and the hon. baronet (Burdett), who went straight forward for annual parliaments and universal suffrage—that constitutional system of representation, simple and pure as it existed in the days of Hugo the Great—the conqueror of the Picts.—[Much laughter].—That celebrated legislator, as every member of the House knew, while he built the great wall with one hand, dispensed universal suffrage with the other.—[Continued laughter].—A true reformer of the good old school.—[Hear, hear!]—Such (Mr. C. presumed) was a fair specimen of the historical truth for which the House was indebted to the valuable antiquarian researches of the hon. baronet (Burdett) and his followers. Coming down, however, to more modern times it was found, that certain Anti-Hugonians existed, who quarrelled with universal suffrage, and even had the hardihood to dispute its existence, as a vital principle of the constitution, and to doubt whether it was indeed for this invaluable blessing that the Picts painted themselves, the Saxons fought, or the Normans conquered—[Hear, hear!]. It was doubted even by some obstinate controvertists, whether the much-calumniated curfew might not have been the signal for an annual election. Here were points of difference enough to embroil the radical reformers;—but, alas! after all their historical and constitutional knowledge had been adjusted and moulded by their common consent, into one grand sentence on reform—then would come the moderate reformers, and quarrel with all their learning—speaking most irreverently of the talents and erudition by which it had been brought to light. They, disregarding the wisdom of their able coadjutors, would hold that annual parliaments meant annual disturbances, and universal suffrage, general disorganisation — [Hear!]. If *they* were to agree to the address, the sentence as framed by their two friends of Westminster must be erased altogether, without substituting any thing very definite in its room—[Hear, hear!].—Last would follow the hon. and learned mover of the address himself, with an opinion differing wholly from those of most of his friends, and having a shade which distinguished it from all—[Hear, hear!].—Like a conqueror who "led many nations to battle, whom he had previously reduced to humiliation in the field," his ranks were filled (as the House perceived) by those whose doctrines and opinions on reform he had scouted in a strain of irony, contempt, and ridicule, which he (Mr. C.) could never attempt to imitate, and which it might not be safe for any member but himself to employ. He (Mr. C. believed) was for a right of voting commensurate with taxation; but whether with direct taxation, or taxation with "direct" omitted, was not (Mr. C. thought) quite so clear. Thus it was that there could be no agreement as to the sentence in which the proceedings of the House respecting parliamentary reform were to be recorded; and hence the subject which had been the daily food of the House,—that question with which the session began, continued, and, but for the present motion, would have ended—had been altogether left out of this most comprehensive and elaborate address.

This he should hold to be a fatal objection to the address, if he agreed with those who thought parliamentary reform essential to the salvation of the country: but with his opinions, how much more strongly must he object to an omission which excluded that part of the labours of the House which he conceived to be the proudest and most magnanimous proceeding of the session—which failed to record that whatever dangers impended over the country, whatever menaces had been not obscurely intimated to the House, unless they should fall in with the views of the reformers, the House nevertheless had stood firmly by the constitution, and had indignantly rejected those measures of innovation which, if encouraged, would have led to its subversion—[Continued cheers].

But this was not his only objection to the address. He objected to it farther because it did not embrace a fair view of the present state of the country. It alluded strongly to the distress which had existed, and which (it would inculcate) still existed, but it made no mention of the hope which the present time held forth of a speedy amelioration—[Hear, hear!].—He would admit with the hon. and learned mover, that distress, severe and extensive, had existed; he would also admit that a part of it might have been produced by removable causes; but he could not shut his eyes to the conviction that the far greater part of what distress had existed had arisen from causes over which human power had no control. And though designing and evil-minded individuals had endeavoured to turn those public misfortunes into so many sources of disaffection and despondency, yet, God be thanked, the gloom thus created had begun to subside.—A bad harvest in one year had enhanced, perhaps had created, in no small degree, the difficulties of the country; but the fair promise of the approaching harvest warranted the most sanguine hopes, that those difficulties would, in a short time, be removed. He could not therefore consent to an address in which those facts relative to our situation were not accurately stated. It would be a most culpable oversight if, in sending forth a retrospect of our despondency, the House did not notice at the same time the more bright and cheering prospect which had begun to break upon the country.—[Hear, hear].

But besides those omissions to which he had before alluded, there were others not less objectionable. What were the several subjects to which the voice of the people had, at the commencement of the session, more particularly called the attention of parliament. It was ever easy to distinguish between the genuine sentiments of the people and the clamours of the seditious; and if ever those sentiments had come fairly before the House, most undoubtedly the call of the people at the commencement of this session for retrenchment in the public expenditure, for the abolition of sinecures, and for some revision of the poor laws, was loud, general, and genuine.—The fourth question (which he, Mr. Canning, had already disposed of), to which, by great contrivance and intrigue, a clamour resembling the voice of the people, but he was confident only resembling it, had been improperly attached—was parliamentary reform. Leaving the other topics for a moment, he again asked, whether the ill success of that proposal was considered as a grievance? If so, why was it not mentioned in the address?—[Hear, hear!]—As it had not been so mentioned the House might naturally conclude that in the opinion of the hon. and learned mover himself, parliament had decided most wisely against parliamentary reform. [Loud Cheers.] [A member on the Opposition side, Mr. W. Smith, was observed to smile. Mr. C. continued]. He perceived by the incipient smile on the lips of the hon. member, that he did not agree with that assertion. If so, there was the address; and let the hon. member move an amendment to it, expressive of his opinion that the rejection of parliamentary reform was a grievance. If he did not do so, he (Mr. C.) must take it for granted, that he also approved of the decision upon reform—[Hear, and Laughter].—Upon the other subjects, on which, as he had admitted, the genuine voice of the people had been heard, he would ask the hon. and learned gentleman had the House been inactive? The consideration of the poor laws had occupied a very large portion of the time and attention of parliament, and though no immediate legislative measure had resulted from their labours, yet still the fruits of those labours had not been inconsiderable or unimportant. Much had been done in the information laid before the select committee, to facilitate any measure which might be deemed necessary in the ensuing session. The time and opportunity afforded by the recess, would give members the best means of ascertaining its accuracy from local inquiry. He believed that there were few—not even the hon. and learned mover—who would think that parliament had been remiss because it had not hurried through any legislative enactment on a subject of such magnitude and importance as the poor laws.—[Hear!]—But notwithstanding the admitted utility of what had thus been done, the address did not contain a word upon the subject, though it purported to be a review of the whole business of the session—[Hear, hear!].—With respect to retrenchment, a great deal had been done in almost every department of the state. He would admit that, low as the expenditure might be reduced, and closely as it might be pared, there would still be found some persons disposed to maintain that it might be cut still lower and closer; yet he appealed to the House whether, even before the call of the people—before the committee of finance had commenced its inquiries, ministers had not shown every disposition to diminish the expenditure to the lowest possible scale? He asked, whether, after the House was in full possession of the subject, and after it had been examined in detail, ministers had not evinced their perfect acquiescence in those reductions which had been suggested, or which could reasonably be desired?

With regard to sinecures, had nothing been done to satisfy the wishes of the people? Had no bills passed the House abolishing or regulating almost all those obnoxious places, about the existence of which so much clamour had been excited? Had the hon. and learned mover of the address already forgotten the part which he had taken in the discussions on those bills? or was it because they were wholly effaced from his memory, that he made no mention whatever of them in his address—in his retrospective address to the throne?—[Hear!]—If that address were adopted what would be the perplexity of the future historian, who might wish to hand down the transactions of the present day to a more distant age? What would not be his amazement when, after poring over scattered records, and searching statutes with imperfect indexes, he should find that sinecures had existed for centuries—that they had been the cause of much dispute and great political difference for years—that session after session the abolition of them had been attempted in vain—but that at length, in the year 1817, they were abolished;—and that in that year there lived a sagacious seer, who, taking upon himself to characterize parliaments, and to purvey for history, had yet been so little alive to the importance attached to sinecures in the public feeling, as to omit any mention of their abolition in his retrospect of the transactions of the session?—[Hear, and laughter].—The abolition of sinecures had been a favourite theme with some of the hon. members opposite in 1810 and 1811; he (Mr. C.) voted in that year for the bill introduced by an hon. gentleman (Mr. Bankes). He thought at that time, as he thought now, that there was more of mistake than of sound policy in the cry for abolition; yet he voted for it because he conceived it expedient to get rid of what was become, in the eyes of the people, (whether justly or unjustly) in some degree, a blot in our political system. He should not, however, have given his support to that bill, had it not preserved to the Crown a power of remunerating faithful public services, proportioned to that which it took away.

He (Mr. C.) remembered well with what acclamations of thankfulness his vote was then received by the hon. members opposite. They were then quite enthusiastic in favour of a measure which was described as the most important that had ever passed the House. That measure was the bantling of the hon. member's (Mr. Bankes) begetting—and though it might have been a little ricketty in its infancy, it was amusing to perceive the tenderness with which it was nursed by gentlemen on the other side—[Laughter]—and to learn the extraordinary hopes which were conceived of its maturity—[Hear!].—Every tongue and every pen over which the hon. members had any influence, ran riot in the praises of this new measure. It was the theme of popular declamation in every moving rostrum all over the country. Old women were almost mad with joy, and devoutly believed that heaven would rain down manna on them, provided lord Camden was stripped of his tellership.—[Hear, and much laughter].—But how striking was the contrast now? No sooner did the government come into the measure, than all that enthusiasm in favour of it among the hon. gentlemen opposite instantaneously subsided. With what repulsion had it not been met this year on the other side of the House? They who, in 1810 and 1813, were so ardent in support of it, now turned from it with contempt. Sinecures had now been abolished, on better terms than by the bill of 1813: but that abolition, which was then to be omnipotent for the public good, was now represented as altogether insignificant and unimportant. He (Mr. C.) recollected in that admirable work, from which (though, perhaps, he ought to be ashamed to confess that his taste was so infantine) he could still derive delight, second only to that afforded by the classics,—in The Arabian Nights Entertainments, he recollected to have read of a casket which a fisherman dragged up from the sea, from which, when opened, sprang a giant, ninety feet high! Presently the giant shrunk into the casket again—was sealed up, and flung into the sea. Not more extravagant was the exaggeration of the benefit to be derived from a bill abolishing sinecures. Not more suddenly had that expected benefit shrunk into nothing when the seal of government had been placed upon the measure; and the hon. gentleman would willingly fling it into the ocean of forgotten things, to be wondered at and talked of no more.

In addition to these salutary measures of economical retrenchment, was it no consolation to the people, was it no marking feature in the session, that the services of the year, prophesied to be utterly unprovidable, had been provided for without any fresh burthen of taxes? Was it nothing, in more than a financial point of view, that the funds, the index of public credit, had risen nearly 20 per cent. during this session of despondency and alarm; Was not that circumstance alone a satisfactory refutation of the gloomy lamentings over our prostrate constitution? When did improvement of public credit grow out of the deterioration of public liberty? He should like to hear the hon. and learned gentleman descant upon this subject; he should like to hear him show, as he no doubt would do, with an energy and eloquence peculiarly adapted to the topic, how God and nature had connected political freedom with financial prosperity, and disjoined public credit from slavery for ever. But were there no other impediments to public credit?—Could it consist with slavery?—No. Could it consist with anarchy?—Just as little. And just in that proportion and on that principle it was that public credit, which in January was weakly and unconfirmed—wavering with every blast of popular violence and public alarm—had gradually gathered strength from the decisions of parliament; had grown and thriven under those measures which the hon. and learned gentleman denounced as in their nature destructive of all freedom, and had thus testified, by no erring evidence, to the true character of those measures as conservatory of that pure and hallowed blessing—a temperate and rational liberty—which the madness of revolutionary doctrines, and the subtle machinations of treason, are no less calculated than the sternest despotism, to endanger, and, if successful, to extinguish.

Were there no other indications of this happy change from the beginning to the end of the session—no other evidence, that the nation, properly so called, looked on that interval, and on the fruits of it, with other eyes than those of the hon. and learned gentleman? Such indications, such evidences met us wherever we turned our eyes. Observe the signs of the times;—and let the line of an ever-living poet describe them as they were at the beginning of the session—

> "Good men look sad—while ruffians dance and leap."

So it was in January. How stands the contrast in July? Was not the ruffian now abashed? and did not the good man feel confident in his security? And to what was this contrast owing? To what, mainly, but to those proceedings of parliament which the hon. and learned gentleman had condemned, and to those which he had omitted in his proposed address: to the vigour with which parliament had enacted what was necessary, and to the firmness with which it had rejected what was pregnant with ruin.

Such, in his conscience, he believed to be the fruits of this calumniated session: such was the true character which history would assign to it. After the performance of their tasks the House might separate with a consciousness of well doing, and might meet their constituents with an honest assurance of approbation. For his own part, he should have no difficulty in declaring to a body of constituents, as numerous as those by which most gentlemen were sent to that House, and as capable as any of estimating the value of public measures, and the declarations of public men, to the temper, firmness, and fortitude of parliament—to its patient diligence—its measured concessions to the true sense of the people—and its vigorous resistance to the mischiefs attempted in their name, the country was indebted, under Providence, for the happy change now taking place in its affairs:—for the security of the kingdom's peace, and for the salvation and support of the constitution.

Mr. *Brougham* rose to reply. He began by stating, that had it not been for the right hon. gentleman's speech, he should not have availed himself at that late hour of the claim to a reply, which the usual courtesy of the House gave him, but have left the arguments urged by the noble lord in his defence, without much anxiety for the result, to the decision of those who had honoured him by attending to his statements. Now, however, he felt it due to those who supported the address, to himself, and to the question, to rescue it from the misapprehensions of the right hon. gentleman, who, of course, could not be supposed capable of misrepresentation; and he really must say, that had he no other reason for again offering himself to the attention of the House, he should feel called to do so in order to express his gratitude for the amusement he had received from the very lively and witty, he might even say funny, speech they had just heard. The right hon. gentleman had charged the Address principally with omissions, and above all with leaving out the subject of parliamentary reform. Now, for his part, he could hardly regret this, as it had afforded the right hon. gentleman an occasion for letting off his long meditated speech on that question, which for some odd reason or other he had not chosen to speak in the debate on the worthy baronet's motion upon the subject —and he must say the right hon. gentleman himself was rather ungrateful in making such invectives against an omission which he had turned to so much account; to be sure, had it been otherwise, he did not at all know that he would not have contrived to bring in the speech which he had ready for use. That was his way of debating. He had honoured him (Mr. B.) by comparing him to a commander, and had given a very distorted account of his operations; and, it was said, that chiefs accustomed to be opposed, got to know one another's tactics very precisely. Now, he could not have the presumption to say it of himself, but the little legion—the band on that side, who were generally opposed to the right hon. gentleman, as one leader is to another, had learned pretty accurately his course of tactics. It was this—he took care to have magazines well stored with ready-made, cut and dry speeches, prepared for future occasions, and adapted as replies to the topics he supposed might be used. Indeed, he had not left them to guess this, for he had once let his secret out in plain terms. He had said, that in most debates, one could, by thinking on the subject beforehand, anticipate the arguments that would be used on the opposite side; accordingly, this was the right hon. gentleman's method. He deemed it more convenient, better suited to the importance of the subjects, and more becoming the dignity of the place, to weigh well what his adversaries were to say, and be ready with an elaborate—answer might not be always the fit word—but harangue or merriment, perhaps, than trust to the moment. It was impossible to deny that this plan had great advantages; but it had, he was afraid, its inconveniences also. While the expected topics were used, for which the replies were ready got up, all went well. But if, as would now and then crossly happen, they never were used at all, then came the difficulty how to get in all the fine things prepared with so much labour to meet them. That all this work should be thrown away—all the hours of day and midnight oil consumed in vain—was too hard, and in common humanity could not be expected—so the passages got up must at all events be introduced, and if the expected topics did not come on the other side, they must be supposed to have come. Accordingly, this was exactly the right hon. gentleman's way—he fancied his adversary had used the arguments he himself was prepared to meet—he put them in his mouth, and answered them; or he supposed something to be left out which was not, and he amused himself and the House with being very droll upon the omission. Both these ways of discussing the question he had resorted to on the present occasion. It happened that the refusal of the petitions of the people by the parliament was stated distinctly, though generally, in the address. He should like to know, what would have been said had it specially complained of an act of the House of Commons in particular? Would not the right hon. gentleman have been the first to ridicule so strange a solecism as the House going up with an address to the throne complaining of what it had done itself? Because this absurdity was avoided in the only practicable way of stating the point, the right hon. gentleman had come out with all his collection of matter, extremely droll and laughable no doubt—well adapted to the lateness of the hour, whether it might be suitable or not to the gravity of the subject, and more conducive to merriment, certainly, than to instruction. With Hugo the Pict—and the wall—and the Saxons—and mail coaches — and Cataline (who, oddly enough, proved to be what he called the old major)—and old women gaping for manna—and scenes, and trumpets, and moveable rostrums—a very queer allusion from such a quarter, for the right hon. gentleman must really be the most ungrateful of men so to treat those convenient vehicles of itinerant oratory, to which he was more indebted than any individual in the country, Cataline himself not excepted.

The right hon. gentleman next complained, that the labours of the finance committee and the sinecure bills, were not mentioned in the address. The reason was plain—when coupled with the system of compensation pensions, the abolition of sinecures was a measure of a very different complexion from their simple abolition. Many persons thought this measure, as it now stood, worse than the old system. The most prevalent opinion was, that it did as much harm as good—while only a select few, with the member for Corfe Castle (Mr. Bankes) at their head, deemed the change an improvement, and even they did not think it a very great one. Those, however, who with him (Mr. B.) and he believed with the majority, he was sure with the right hon. gentleman (Mr. Canning), held it to be a matter of almost entire indifference, could not be expected to testify much gratitude for it; and as it appeared to them neither one thing nor another, it seemed better to say nothing at all about it. The right hon. gentleman who viewed it precisely in this light, somewhat strangely complained because it was not highly praised or pointedly censured.

The noble lord had entered on a great variety of topics conducive, as he supposed, to his own vindication. He was confident that the House, by attending to his (Mr. B.'s) opening speech, would find almost all those topics answered by anticipation. But there were one or two charges launched at him by the noble lord, which he felt it necessary to repel. He had been accused of harbouring dangerous designs—of befriending reforms of a violent complexion—nay, of supporting, or at least countenancing, opinions of a revolutionary tendency. He could not help thinking this charge somewhat hard on the present occasion; and he felt that there was no pleasing any two of the ministers he stood opposed to. The right hon. gentleman had made it the burthen of his whole speech, or song (he hardly knew which to call it), that he said nothing at all of reform. The noble lord inveighed at him still more loudly, or at least as loudly (for to be more loud was impossible), as one whose speech countenanced the wildest of the reformers. So, again, when he had carefully explained the absurdity of the delusions prevailing among hundreds of thousands in the country, respecting the exportation of yarns, with the express intention of allaying the ferment he perceived to be arising out of those mistakes, all the thanks he got for his pains from the right hon. gentleman was, a broad sneer, that he had made a speech about foreign politics and cotton twist. Really he (Mr. B.), fared as ill between the two colleagues, as if he were one of the cabinet. He could hardly have been more roughly handled by those ministerial oracles, if he had been any of their own fellow ministers. They had fallen upon him and plucked him almost as much as they were wont to do some third man among them, or as the one of these two belabour the other. Nevertheless, in spite of the right hon. gentleman's merriment, he should still hold the subject even of cotton twist, as an extremely grave one. He heartily wished they might not all find, before a few months passed over their heads, that it was any thing rather than matter of jesting: and he was anxious once more to avow his opinion, that the desire so generally entertained in the manufacturing districts, to prevent the exportation, was a delusion—was, what the right hon. gentleman would, after his manner, term a mere twist. He was anxious to state this, because he had been applied to by the unfortunate and highly meritorious persons who laboured under this mistake, and for whose great distresses he felt deeply; and because, whatever little weight his authority might derive from their confidence, he felt it his duty to throw into the opposite scale. This he did, in order to prevent the rising ferment, at the risk of forfeiting, at the certain cost of weakening their favour, and injuring that darling popularity he was accused of seeking. And for this he was rewarded by the noble lord with the epithet of revolutionary—by the right hon. gentleman, with broad laughter at his foreign politics and cotton twist. Such things did not discourage him; on the contrary, he would now add, with similar views of anxiety for the internal peace of the country, what he had before accidentally omitted, that the recent proceedings, both of the master hosiers and workmen in Leicestershire, were, in his opinion, extremely unwise. Here Mr. B. entered into some farther details relative to this subject.

Reverting to the noble lord's charge of violent innovation, he must say he felt no sort of resentment at it—he ascribed it to the manifest agitation, or perhaps he ought to call it animation of feelings, under which the noble lord had delivered his speech, and which had naturally led him somewhat beyond what he might have seriously intended to state. But in justice to himself, he must appeal to the House, whether either that night, or on any one other occasion, he had ever brought forward a single measure, or uttered a word, that betrayed a leaning towards plans of a sweeping, rash, or violent reform. On the contrary, it was his conscientious opinion, that in effecting improvements in our political institutions, we ought to proceed warily and even slowly, seeing how much easier it always was to pull down and destroy, than to build up and to restore. These were his principles—to these he had steadily adhered, and he defied any man to show him one exception. To be sure he belonged not to the class of reformers in which these ministers were to be found; he was not for sitting passive and idle spectators of the ravages of time upon the constitution, and expecting that time would repair what time alone had destroyed—in other words, doing nothing and trusting to blind chance. But a rash, hasty, wholesale system of change, was utterly abhorrent to his views.

Then the noble lord accused him of partiality towards the Buonaparté family, because he objected to the mean and pitiful conduct of the government in stooping to annoy a private individual of that House, who could do harm to nobody. The noble lord was as much mistaken here as in his allegation that he (Mr. B.) could not forgive those who put Buonaparté down. He thought of these charges he had some right to complain—for it did so happen, that he had been the only member, certainly the very first, who seconded the bill for enabling government to keep Buonaparté in safe custody. He had always regarded the power and ambition, and tyranny of that person, as incompatible with the independence of Europe as with the liberties of France. He had uniformly recommended the most vigorous measures against his power. He had blamed the government, not for opposing him, but for opposing him inefficiently—for dividing their attacks—for splitting their forces—for carrying on the war, as they waged it during many years, in a feeble manner, upon narrow views, the failure of which was certain.

The noble lord and right hon. gentleman had both expressed great indignation at such a motion as the present being brought forward so late in the session. But was it any thing very new? Did not every year of war terminate regularly with a debate on the State of the nation, as certainly as a vote of credit was proposed? Now, to him it appeared that the country was at present more in a state to render that discussion necessary, than at any period of the war. He rejoiced that he had brought forward the subject; all the anger which it had excited on the opposite side only confirmed him in this feeling; and he trusted that the same question would always be brought forward as regularly as the session closed in each succeeding year. If abler persons refrained from doing so, his feeble services should always be at the command of the country in this way. The noble lord was equally annoyed at what he termed being taken by surprise upon the Irish questions. Had he (Mr. B.) not given notice of an address upon the state of public affairs? Then are Ireland and Irish affairs no part of public affairs? How could a State of the Nation be mentioned without giving the noble lord this notice? But his right hon. supporter inveighed against the use of the affidavits read by his hon. friend (Mr. Bennet), and demanded with the air of one going to dispose at once of those documents, whether he had not received them from Mr. Finnerty, who had been prosecuted by the noble lord? But what could it signify whose hands gave in the affidavits? The question was, who signed and swore to them? Now they were the testimony of eye-witnesses and of sufferers—of persons who had seen, and persons who had undergone the torture. But the noble lord called them extra-judicial. They were no such thing: they were sworn before judges in Ireland, and when tendered in the court of King's-bench here, were not at all objected to for any irregularity in the jurats, but only because a new and very doubtful rule excluded matter of justification in a question of mitigation of punishment.—Much had been said of the appointments of Reynolds and Manners. Of the former he willingly left the merits upon the very facts urged by the noble lord. Of the latter, he must repeat, that his objections remained undiminished; and he had felt it his duty to the public to state them openly. It was admitted that Mr. Manners had been for some years the editor of a most infamous publication. He (Mr. B.) was the last man to censure, as unworthy of promotion, those who were guilty of excess in political discussion. Political libels might be blameable, but they belonged to a very different class from private slander. He said nothing against the principles espoused by the work in question, nor even against the discussions of a political nature which it might contain. But he had happened to see two numbers of it some years ago (and friends whose accuracy he could trust, who had seen more of it, assured him all was of a piece), and he ventured to say, that those publications abounded in private defamation of the most base, scandalous, and disgusting nature. He needed only to mention the details of what passed in the recesses of a noble family's bed-chamber, that family being of an opposite side in politics to the party favoured by the work. He still thought that the appointment of a man who had been imprisoned as the editor of such a publication, for another private libel contained in it, did very little credit to the government. The right hon. gentleman (Mr. Addington) had mistaken the drift of the attacks made upon the home-department, upon himself, and his noble relative. He set all down to the score of their great vigour and efficiency in the public service. "Good lack," said he, "see what it is to be an able and successful minister in difficult times—you are run down by the disaffected." Now, this was not quite the ground of complaint, but when the due exercise of the new laws depended on the intellect of that kindred pair, it was natural to exclaim (in the words of the right hon. gentleman's quotation), "O miseram hominum conditionem!" where each individual holds his liberty upon so frail a tenure as the eminent sagacity of the right hon. gentleman, and the no less eminent sagacity of his noble relation, in discerning the tricks of their own Olivers.

Sir *F. Burdett* said, he was authorized to state that Mr. Finnerty disclaimed having offered any compromise, directly or indirectly, to lord Castlereagh, in order to prevent his being brought up for judgment in 1810.

Lord *Castlereagh* said, that a message had been delivered to him, stating, that Mr. Finnerty was ready, upon such a condition, to make an apology.

The address was then negatived.

HOUSE OF LORDS.

Saturday, July 12.

THE SPEAKER'S SPEECH TO THE PRINCE REGENT ON PRESENTING THE APPROPRIATION BILL.] The Prince Regent being seated on the throne, the Usher of the Black Rod was sent to require the attendance of the Commons. Shortly afterwards, the Speaker, attended by a great number of members, came to the bar.

The *Speaker* addressed the Prince Regent as follows:—

"In obedience to your Royal Highness's commands, we his Majesty's faithful Commons of the united kingdom of Great Britain and Ireland, attend your Royal Highness with our last bill of Supply at the close of a laborious session.

"Among the numerous subjects of deep public importance to which our consideration has been called, there are none that have more anxiously occupied our attention than those which relate to the finances and internal state of the country.

"In conformity with your Royal Highness's recommendation at the commencement of the session, we took such steps as seemed best calculated to ensure a full and serious investigation into the public income and expenditure. That investigation has continued throughout the session. From that investigation much has been done; much unquestionably remains to be done; but we trust we are justified in the conviction that measuring our expenditure by what the real interests of the empire may require, no apprehension need be entertained as to the stability of our resources.

"Deeply sensible of what we owe to your Royal Highness for having directed the estimates to be laid before us at the commencement of the session with every reduction in the establishments that sound policy would allow, we have had the satisfaction to find that the supplies might be provided without the imposition of any additional burthens upon the people; and we have the proud gratification to think, that notwithstanding the gigantic and unparalleled exertions which this country has been called upon to make, and the difficulties and pressure which must necessarily be the consequence of such exertions, at no period of its history has the public credit stood more sound, steady, and unshaken than at present.

"In considering, Sir, the internal state of the country, it has been painful to us to contemplate the attempts which have been made to take advantage of the distresses of a portion of the people to convert them to their own wicked and mischievous purposes. His majesty's faithful Commons, whilst they have been anxiously engaged in such measures as might check the farther progress of these attempts have not been unmindful of such other measures as might afford relief to the pressure of that distress. With this view we have turned our attention to the encouragement of the fisheries, to the means of providing employment for the poor, and most diligently (although the limits of the session would not allow of the completion of a measure) most diligently to a full and minute inquiry into the state and effect of the poor laws,—a question in which the wealth, the industry, and the morality of the nation are so deeply implicated.

"Whilst we have deemed it our first duty to deliberate with unremitted solicitude upon these subjects of paramount importance,—to these alone our deliberations have not been confined.

"Feeling how intimately connected the best interests of the country are with every thing that is of interest or concern to our ecclesiastical establishment, we hope that much of advantage will be derived to the public, and much of convenience to the clergy, from the revision and consolidation of the laws affecting spiritual persons.

"To Ireland also, our earnest attention has been directed in providing for the more deliberate investigation of presentments to be made by the grand juries;—a measure of the most general influence over the whole of that part of the united kingdom,—a measure which we confidently hope will prove as salutary in practice, as it is unquestionably sound in principle.

"These, Sir, are the leading matters which have engrossed the labours of his majesty's faithful Commons,—and if this session has not been marked with that brilliancy and splendour which has characterized former sessions, yet we have the conscious satisfaction to reflect, that having had great duties to perform, to the performance of those duties we have applied a most faithful and indefatigable attention.

"Sir, the bill which it is my duty humbly to present to your Royal Highness, is intituled 'An Act for applying certain 'Monies therein mentioned for the Service 'of the year 1817; and for farther appro- 'priating the Supplies granted in this ses- 'sion of parliament; to which, with all 'humility, we pray his Majesty's royal assent.'"

The royal assent was given to the said bill.

THE PRINCE REGENT'S SPEECH AT THE CLOSE OF THE SESSION.] His Royal Highness then made the following Speech to both Houses:—

"My Lords and Gentlemen;

"I cannot close this session of parliament, without renewing my expressions of deep regret at the continuance of his majesty's lamented indisposition.

"The diligence with which you have applied yourselves to the consideration of the different objects which I recommended to your attention at the commencement of the session, demands my warmest acknowledgments; and I have no doubt that the favourable change which is happily taking place in our internal situation, is to be mainly ascribed to the salutary measures which you have adopted for preserving the public tranquillity, and to your steady adherence to those principles by which the constitution, resources, and credit of the country have been hitherto preserved and maintained.

"Notwithstanding the arts and industry which have been too successfully exerted in some parts of the country to alienate the affections of his majesty's subjects, and to stimulate them to acts of violence and insurrection, I have had the satisfaction of receiving the most decisive proofs of the loyalty and public spirit of the great body of the people; and the patience with which they have sustained the most severe temporary distress cannot be too highly commended.

"I am fully sensible of the confidence which you have manifested towards me, by the extraordinary powers which you have placed in my hands: the necessity which has called for them is to me matter of deep regret; and you may rely on my making a temperate but effectual use of them, for the protection and security of his majesty's loyal subjects.

"Gentlemen of the House of Commons;

"I thank you for the supplies which you have granted to me; and for the laborious investigation which, at my recommendation, you have made into the state of the income and expenditure of the country.

"It has given me sincere pleasure to find that you have been enabled to provide for every branch of the public service without any addition to the burthens of the people.

"The state of public credit affords a decisive proof of the wisdom and expediency, under all the present circumstances, of those financial arrangements which you have adopted.

"I have every reason to believe that the deficiency in the revenue is, in a great degree, to be ascribed to the unfavourable state of the last season; and I look forward with sanguine expectations to its gradual improvement.

"My Lords, and Gentlemen;

"The measures which were in progress at the commencement of the session, for the issue of a new silver coinage, have been carried into execution in a manner which has given universal satisfaction; and to complete the system which has been sanctioned by parliament, a gold coinage of a new denomination has been provided for the convenience of the public.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country, and of their desire to preserve the general tranquillity.

"The prospect of an abundant harvest throughout a considerable part of the continent is in the highest degree satisfactory. This happy dispensation of Providence cannot fail to mitigate, if not wholly to remove, that pressure under which so many of the nations of Europe have been suffering in the course of the last year; and I trust that we may look forward in consequence to an improvement in the commercial relations of this and of all other countries.

"I cannot allow you to separate without recommending to you, that upon your return to your several counties, you should use your utmost endeavours to defeat all attempts to corrupt and mislead the lower classes of the community; and that you should lose no opportunity of inculcating amongst them that spirit of concord and obedience to the laws, which is not less essential to their happiness as individuals, than it is indispensable to the general welfare and prosperity of the kingdom."

The lord chancellor, then, by the Prince Regent's command, prorogued the parliament to the 25th of August next.

APPENDIX.

I.—PUBLIC INCOME OF GREAT BRITAIN,

FOR THE YEAR ENDING FIFTH JANUARY, 1817.

An Account of the Ordinary Revenues *and* Extraordinary Resources *constituting the* Public Income *of* Great Britain.

HEADS OF REVENUE.	GROSS RECEIPT: Total Sum to be accounted for.			Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue.			NET PRODUCE applicable to National Objects, and to Payments into the Exchequer.		
Ordinary Revenues.									
Permanent and Annual Taxes:	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	11,154,879	3	8¾	2,985,098	12	1¼	8,169,780	11	7½
EXCISE	21,671,610	14	3¼	2,657,980	5	2	19,013,630	9	1¼
STAMPS	6,526,164	18	3¾	341,876	7	10¼	6,184,288	10	5½
LAND AND ASSESSED TAXES	7,562,411	9	7	304,504	12	5½	7,257,906	17	1½
POST OFFICE	2,207,788	4	10	547,933	8	6	1,659,854	16	4
PENSIONS AND SALARIES 1s. in the £.	23,029	18	5	453	11	7	22,576	6	10
PENSIONS AND SALARIES 6d. in the £.	14,323	14	5	663	10	4	13,660	4	1
HACKNEY COACHES	31,011	14	8½	4,515	7	10	26,496	6	10½
HAWKERS AND PEDLARS	25,038	15	3¼	3,002	5	3	22,036	10	0¼
Total Permanent and Annual Duties	49,216,258	13	6½	6,846,028	1	1	42,370,230	12	5½
Small Branches of the Hereditary Revenue:									
Alienation Fines	7,661	2	1	1,147	8	0	6,513	14	1
Post Fines	7,181	13	4½	99	11	0	7,082	2	4½
Seizures	14,584	0	5	-	-	-	14,584	0	5
Compositions and Proffers	608	9	4	-	-	-	608	9	4
Crown Lands	138,759	10	2	2,688	17	6½	136,070	12	7½
Extraordinary Resources.									
War Taxes:									
CUSTOMS	1,246,409	7	9½	238,599	2	0¼	1,007,810	5	9¼
EXCISE	6,035,302	11	9½	1,453,664	15	1¾	4,581,637	16	7¾
PROPERTY TAX	12,276,870	18	3¾	237,750	7	11¼	12,039,120	10	4½
Arrears of Income Duty, &c.	36	18	0	0	18	0	36	0	0
Lottery, Net Profit (of which one third part is for the Service of Ireland)	252,166	13	4	17,486	0	0	234,680	13	4
Monies paid on Account of the Interest of Loans raised for the Service of Ireland	4,558,558	8	1	-	-	-	4,558,558	8	1
On Account of Balance due by Ireland, on joint Expenditure of the United Kingdom	1,184,009	8	5	-	-	-	1,184,009	8	5
On Account of the Commissioners, appointed by Act 35 Geo. 3, cap. 127, and 37 Geo. 3, cap. 27, for issuing Exchequer Bills for Grenada, &c.	5,091	17	1	-	-	-	5,091	17	1
Unclaimed Dividends paid into the Exchequer by the Chief Cashier of the Bank of England	303,506	18	6	-	-	-	303,506	18	6
Surplus Fees of Regulated Public Offices	28,619	10	8¾	-	-	-	28,619	10	8¾
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	101,259	8	9½	-	-	-	101,259	8	9½
Total (independent of Loans)	75,376,885	9	9	8,797,465	0	8¾	66,579,420	9	0¼
LOANS paid into the Exchequer (including the amount of those raised for the service of Ireland)	8,939,802	16	3	-	-	-	8,939,802	16	3
GRAND TOTAL	84,316,688	6	0	8,797,465	0	8¾	75,519,223	5	3¼

An ACCOUNT *of the Gross and Net Produce of the* DUTIES *arising from* STAMPS *in* ENGLAND, *in the Year ending 5th January* 1817.

	GROSS PRODUCE.			Discounts, and Parliamentary Allowances.			Charges of Management and Incidents.			Parchment, Paper, and Blanks, for the use of the Country.			Returns of Duty.			NET PRODUCE.			Payments into the Exchequer.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Deeds, Law Proceedings, and other written Instruments (except Legacy Receipts, Probates, Administrations and Testamentary Inventories, Bills of Exchange, and Promissory Notes and Receipts) and on Licences to Dealers in Thread Lace	1,958,243	4	10¾	13,949	15	5	61,045	13	5	24,116	11	8	-	-	-	1,859,081	4	4¾	1,880,646	2	6
Legacies	694,529	13	7	-	-	-	22,561	5	0½	-	-	-	2,002	5	0	669,966	3	6½	685,172	0	11¾
Probates, Administrations, and Testamentary Inventories	631,346	6	4¼	7,370	19	3	12,368	11	0¾	-	-	-	3,516	12	8	608,090	3	4½	610,442	2	2½
Bills of Exchange and Promissory Notes	641,517	4	10¾	4,780	13	11	16,230	15	9	-	-	-	-	-	-	620,505	15	2¾	625,266	7	11½
Receipts	194,724	14	9¼	9,555	15	0	5,074	16	10¾	-	-	-	-	-	-	180,094	2	10½	182,459	7	10
Newspapers	350,893	15	8	65,828	19	4	3,918	6	2	-	-	-	-	-	-	281,146	10	2	281,146	10	2
Almanacks	32,694	8	9	1,255	14	0	365	1	6	-	-	-	-	-	-	31,073	13	3	31,073	13	3
Medicine and Medicine Licences	39,412	4	6½	4,261	2	5	704	11	11½	-	-	-	-	-	-	34,446	10	2	35,069	0	8½
Fire Insurances	573,212	19	2	26,222	0	7	10,120	17	2¼	-	-	-	-	-	-	536,870	1	4¾	536,912	9	6¾
Cards	20,350	2	6	302	6	6	227	4	10	-	-	-	-	-	-	19,820	11	2	19,820	11	2
Gold and Silver Plate	77,694	3	9	1,935	7	2½	1,171	5	8½	-	-	-	-	-	-	67,533	11	7	67,558	14	2½
Dice	1,217	0	0	-	-	-	13	11	8	-	-	-	-	-	-	1,203	8	4	1,203	8	4
Pamphlets	728	5	3	-	-	-	9	0	7	-	-	-	-	-	-	719	4	8	711	5	7
Advertisements	118,202	3	4	-	-	-	3,785	9	1¼	-	-	-	-	-	-	114,416	14	2¾	115,660	5	0¾
Stage Coaches	259,098	13	3	-	-	-	6,637	10	11¾	-	-	-	-	-	-	252,461	2	3¼	254,328	0	9¾
Post Horses	227,424	0	8	-	-	-	2,539	11	2	-	-	-	-	-	-	224,884	9	6	224,884	9	6
Race Horses	914	10	0	45	0	7¼	45	17	6¾	-	-	-	-	-	-	823	11	10	830	7	2
	5,822,203	11	4½	135,507	14	2¾	146,819	10	7	24,116	11	8	5,518	17	8	5,503,136	17	11¾	5,553,184	17	0
Lottery	4,986	11	4	-	-	-	696	19	6	-	-	-	-	-	-	4,289	11	10	4,289	11	10

An ACCOUNT *of the Gross and Net Produce of the* DUTIES *arising from* STAMPS *in* SCOTLAND, *in the Year ending 5th January* 1817.

	GROSS PRODUCE.	Discounts and Parliamentary Allowances.	Drawback on Plate.	Charges of Management and Incidents.	Returns of Duty.	NET PRODUCE.	Payments into the Exchequer.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Deeds, Law Proceedings, and other written Instruments (except Legacy Receipts, Probates, Administrations, and Testamentary Inventories, Bills of Exchange, and Promissory Notes and Receipts) and on Licences to Dealers in Thread Lace ……	186,904 0 8	42 10 9	- -	9,475 14 2½	- -	177,385 15 8½	180,064 14 2
Legacies ……	17,153 1 7	- - -	- -	813 9 6	354 0 0	16,339 12 1	16,580 0 0
Probates, Administrations, and Testamentary Inventories ……	25,452 8 10	- - -	- -	405 0 0	- -	24,693 8 10	22,010 0 0
Bills of Exchange and Promissory Notes ……	112,983 13 1½	- - -	- -	5,251 3 8	- -	107,732 9 5½	113,070 0 0
Receipts ……	14,244 17 10	- - -	- -	597 5 0	- -	13,647 12 10	14,430 0 0
Newspapers ……	16,612 2 4	3,239 3 4	- -	60 0 0	- -	13,312 19 0	13,312 19 0
Almanacks ……	—	—	—	—	—	—	—
Medicine and Medicine Licences ……	378 16 9	- - -	- -	6 5 0	- -	372 11 9	290 0 0
Fire Insurances ……	19,242 7 7½	962 1 9½	- -	10 10 4	- -	18,269 15 6	18,240 0 0
Cards ……	—	—	—	—	—	—	—
Gold and Silver Plate ……	4,626 16 2½	115 13 3½	111 11 5	10 0 0	- -	4,389 11 6	4,170 0 0
Dice ……	—	—	—	—	—	—	—
Pamphlets ……	7 3 0	- - -	- -	- - -	- -	7 3 0	7 3 0
Advertisements ……	15,353 8 6	- - -	- -	300 0 0	- -	15,053 8 6	15,053 8 6
Stage Coaches ……	15,742 2 9½	- - -	- -	405 0 0	- -	15,337 2 9½	14,960 0 0
Post Horses ……	—	—	—	—	—	—	—
Race Horses ……	65 2 0	3 6 8	- -	- - -	- -	61 15 4	61 15 4
	428,766 1 3	4,362 15 10	111 11 5	17,334 7 8½	354 0 0	406,603 6 3½	412,250 0 0

An Account of the GROSS *and* NET PRODUCE *and Payments into the Exchequer, of the* REVENUE *under the Management of the Commissioners of* TAXES *in* ENGLAND *and* WALES, *in the Year ending 5th January* 1817.

TAXES.	GROSS PRODUCE, being the Gross Receipt, 1816. £.	s.	d.	Advances and Disbursements, under the authority of various Acts of Parliament.	£.	s.	d.	Charges of Management. £.	s.	d.	NET PRODUCE, being the Payments into the Exchequer.	£.	s.	d.	Total of Payments, Advances, and Disbursements, and Charges of Management. £.	s.	d.
Land Tax	1,203,310	4	1¾	Militia and Deserters Warrants	53,265	19	2	35,582	1	10¼	Land Tax	1,108,547	11	11½	1,203,310	4	1¾
				Volunteers	1,168	19	6										
				Defence Acts	949	10	6										
				Army of Reserve	127	12	4										
				Expenses, under Land Tax Redemption Acts	3,668	8	10										
Assessed Taxes	5,696,257	3	11¼	- - - -	-	-	-	244,633	17	3¾	Assessed Taxes	5,451,623	6	7½	5,696,257	3	11¼
Property Tax	11,013,455	5	7¾	- - - -	-	-	-	224,764	7	10¼	Property Tax	10,788,690	17	9½	11,013,455	5	7¾
Aid and Contribution	—			—	—			—			Aid and Contribution	—			—		
Income Tax	36	18	0	- - - -	-	-	-	0	18	0	Income Tax	36	0	0	36	18	0
Totals	17,913,059	11	8¾	- - - -	59,180	10	4	504,981	5	0¼		17,348,897	16	4½	17,913,059	11	8¾

The same for SCOTLAND.

Land Tax	31,107	14	6	Militia and Deserters, &c.	4,708	15	9	—			Land Tax	25,300	0	0	31,107	14	6
				Volunteers	-	-	-										
				Defence Acts	-	-	-										
				Army of Reserve	951	4	11										
				Population Act	50	17	5										
				Expenses under Land Tax Redemption Acts	96	16	5										
Assessed Taxes	378,515	4	3	Militia	9,187	14	2½	24,288	13	3½	Assessed Taxes	331,700	0	0	378,515	4	3
				Army of Reserve	1,063	4	7										
				Augmentation of Stipends to Scotch Clergy	9,775	12	2										
				Commissioners for the Highland Roads	2,500	0	0										
Property Tax	783,886	0	1	- - - -	-	-	-	12,986	0	1	Property Tax	770,900	0	0	783,886	0	1
Aid and Contribution	—			—	—			—			Aid and Contribution	—			—		
Income Tax	—			—	—			—			Income Tax	—			—		
Totals	1,193,508	18	10	- - - -	28,334	5	5½	37,274	13	4½		1,127,900	0	0	1,193,508	18	10

An Account of the Gross and Net Produce, and Payments into the Exchequer, of the Revenue arising from the POST OFFICE *in* ENGLAND *and* SCOTLAND *respectively, for the Year ending 5th January* 1817: *Likewise, an Account of the* PENSIONS *and* PARLIAMENTARY GRANTS *paid out of the Revenue of the Post Office.*

	GROSS PRODUCE.	Management.	Returns.	Packet Establishment.	Captured and Extra Packets.	Irish, with £.9,000 per ann.	Irish Inland Postage.	NET.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Inland, East and West Indies, and America	1,535,022 12 1	323,477 16 5	55,154 16 2	12,302 7 11	28,601 3 6	- -	- - -	1,115,486 8 1
Foreign	197,461 16 10	27,156 6 9	1,884 19 2	19,123 12 4	28,000 0 0	- -	- - -	121,296 18 7
Two-penny Post	94,832 10 0	37,045 11 2	- - -	- - -	- - -	- -	- - -	57,786 18 10
Scotland	192,569 4 5	41,176 18 1	11,835 1 6	- - -	- - -	- -	- - -	139,557 4 10
Ireland	55,020 12 0	- - -	3,465 8 9	- - -	- - -	15,179 13 6	15,869 18 10	20,505 10 11
TOTAL	2,074,906 15 4	428,856 12 5	72,340 5 7	31,426 0 3	56,601 3 6	15,179 13 6	15,869 18 10	1,454,633 1 3

Payments, paid into the Exchequer by the Receiver General.	Parliamentary Grants.	Total Exchequer Payments, and Parliamentary Grants.	Edinburgh Remittances.	
£. s. d.	£. s. d.	£. s. d.		£. s. d.
1,430,000 0 0	13,700 0 0	1,443,700 0 0	5th April 1816	39,476 9 11
			5th July	32,399 16 6
			10th October	40,950 17 11
			5th January 1817	30,947 16 8
				143,775 1 0

II.—CONSOLIDATED FUND AND PERMANENT TAXES.—INCOME AND CHARGE, 1817.

INCOME.		£.	s.	d.
CUSTOMS: Consolidated, after reserving the sum of £.105,000 per annum, to be carried to Duties pro Anno 1809, per Act 49 Geo. 3	£.2,626,751 17 8¾			
Isle of Man Duties	6,180 2 11½			
Quarantine Duty	17,716 19 11			
Canal and Dock Duty	28,241 16 4	2,678,890	16	11¼
EXCISE: Consolidated, after reserving the several sums carried per Acts 52, 53 and 55 Geo. 3, to the Duties pro Annis 1812, 1813 and 1815	£.14,510,252 15 7½			
British Spirits, Anno 1806, Schedule A	292,300 0 0	14,802,552	15	7½
STAMPS: Consolidated, after reserving as directed per Acts 48, 50, and 55 Geo. 3	£.3,990,429 5 4			
Licences for selling Lottery Tickets	4,289 11 10	3,994,718	17	2
INCIDENTS		6,347,422	18	4½
Surplus Duty on Sugar, Malt, and Tobacco, annually granted		1,594,112	9	8¾
Annual Malt, &c. Anno 1813, 1814, and 1815		553,428	0	0
Pensions, Offices, and Personal Estates, Anno 1813, 1814, and 1815		58,516	7	11½
Arrears of 4s. Aid, Land Taxes, Anno 1803 to 1816		1,069,417	13	8
Income Duty, Anno 1801		36	0	0
Money reserved on account of Nominees appointed by the Lords of the Treasury, in Tontine, Anno 1789		23,622	19	3¼

CHARGE.	Actual Payment out of the Consolidated Fund, in the Year ended 5th January 1817.			Future Annual Charge upon the Consolidated Fund, as it stood on 5th January 1817.		
	£.	s.	d.	£.	s.	d.
TOTAL CHARGE for Debt created prior to 1807	21,613,206	1	7¾	21,567,765	18	11½
CIVIL LIST:						
For the Support of His Majesty's Household, per Act 17 Geo. 3	898,000	0	0	898,000	0	0
Ditto.. 44 ditto	60,000	0	0	60,000	0	0
Ditto 52 ditto	70,000	0	0	70,000	0	0
COURTS OF JUSTICE:						
Judges of England and Wales, in augmentation of their Salaries	13,050	0	0	13,050	0	0
Deficiencies of Judges Salaries in England	12,792	16	0½	Uncertain.		
Additional Salaries to the Welch Judges	3,200	0	0	3,200	0	0
John Baldwin, Esq. Receiver of the Seven Police Offices	20,747	5	6	Uncertain.		
Patrick Colquhoun, Esq. Ditto, Thames Police Office	6,807	14	5			
VICE ADMIRALTY JUDGES:—						
Alexander Croke, Esq. at Nova Scotia	1,544	18	10½	To cease.		
Henry John Hinchliffe, Esq. Jamaica	2,000	0	0	2,000	0	0
William Territt, Esq. Bermudas	1,949	8	9	To cease.		
Sheriffs of England and Wales	4,000	0	0	4,000	0	0
Clerk of the Hanaper	4,000	0	0	Uncertain.		
MINT:						
Master of His Majesty's Mint in England	13,800	0	0	13,800	0	0
Ditto ditto Scotland	1,200	0	0	1,200	0	0
T. Morrison, Esq. Deficiency Mint Fees	236	10	3	Uncertain.		

Monies paid by divers Persons	1,881,594	5	4½
Amount of Property Tax, Anno 1815, remaining in the Exchequer, and not otherwise appropriated, carried to Consolidated Fund per Act 27 Geo. 3, cap. 13, c. 52.	374,006	6	0¾
TOTAL Income of Duties applicable to paying the Charge prior to 1807, and the Incidental Charges as they stood on the 5th January 1817	33,553,925	4	2½
DUTIES pro Anno 1807:			
Brought from War Taxes to pay the Charge of Loan	603,072	4	9½
War Duties of Customs made permanent Anno 1816	596,927	15	2½
Interest, Management, and £.1 per Cent. on Loan for Ireland	222,685	19	6
TOTAL Income of Duties pro Anno 1807	1,422,685	19	6
DUTIES pro Anno 1808:			
Surplus Consolidated Duties on Assessed Taxes	139,793	14	0
Surplus Consolidated Stamps	150,000	0	0
Interest, Management, &c. on Loan for Ireland	148,606	14	8
TOTAL Income of Duties pro Anno 1808	438,400	8	8
DUTIES pro Anno 1809:			
Brought from Consolidated Customs	105,000	0	0
Ditto War Taxes, to pay Charge of Loan	472,051	13	0¾
War Duties of Customs, made permanent Anno 1816	530,931	8	11¾
Interest, Management, &c. on Loan for Ireland	177,156	4	9
TOTAL Income of Duties pro Anno 1809	1,285,139	6	9½
DUTIES pro Anno 1810:			
Surplus Consolidated Stamps, per Act 48 Geo. 3	1,324,547	10	8¾
Interest, Management, &c. on Loan for Ireland	305,584	19	9
TOTAL Income of Duties pro Anno 1810	1,630,132	10	5¼

[This Account continued over leaf.]

SALARIES AND ALLOWANCES:						
Speaker of the House of Commons, to complete his Salary of £.6,000 per annum	2,036	4	0	Uncertain.		
Edward Roberts, Esq. an annual sum, formerly paid to the Auditor	650	0	0	650	0	0
George Pepler, Esq. Inspector of Tontine Certificates	750	0	0	Uncertain.		
Chief Cashier of the Bank, for Fees at sundry Public Offices	1,123	5	0	Ditto.		
For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
Messenger of the Great Seal, per 53 Geo. 3, cap. 89	113	19	5¼	113	19	5¼
COMMISSIONERS OF PUBLIC ACCOUNTS:						
William Mackworth Praed, Esq. Chairman	1,500	0	0	1,500	0	0
Sir Charles W. Rouse Boughton, Bart.	1,200	0	0	1,200	0	0
Francis Percival Eliot, Esq.	1,200	0	0	1,200	0	0
Richard Dawkins, Esq.	1,200	0	0	1,200	0	0
John Sargent, Esq.	1,200	0	0	1,200	0	0
John Anstey, Esq.	1,200	0	0	1,200	0	0
John Whishaw, Esq.	1,200	0	0	1,200	0	0
Salaries and Contingencies in the Office of said Commissioners	34,040	4	8	Uncertain.		
COMMISSIONERS OF WEST INDIA ACCOUNTS:						
John Halkett, Esq. Chairman	1,500	0	0	1,500	0	0
James Chapman, Esq.	1,000	0	0	1,000	0	0
John Wilson, Esq.	1,000	0	0	1,000	0	0
Salaries and Contingencies in the Office of said Commissioners	6,717	17	1	Uncertain.		
MISCELLANEOUS AND PENSIONS (See Appendix C. No. V. Public Expenditure)	550,624	15	2¼	449,156	8	2
TOTAL of Incidental Charges upon the Consolidated Fund, as they stood on the 5th of January 1817	1,724,741	12	10½	1,530,327	1	3¾

[This Account continued over leaf.]

	£.	s.	d.
Duties pro Anno 1811:			
Brought from War Taxes	235,077	15	7½
British Spirits, pro Anno 1811	516,640	0	0
Foreign ditto	87,640	0	0
Total Income of Duties pro Anno 1811	839,357	15	7½
Duties pro Anno 1812:			
Taken from Consolidated Excise	615,834	0	0
Additional Duty on the Postage of Letters	205,306	1	1
Male Servants, Carriages, Horses for Riding, Ditto and Mules, Dogs, Horse Dealers' Licenses, Game Certificates	443,924	9	6
Interest, Management, &c. on Loan for Ireland	308,736	6	0
Total Income of Duties pro Anno 1812	1,573,800	16	7
Duties pro Anno 1813:			
Permanent Duty on Customs	516,885	18	8
Interest, Management, &c. on Loan for Ireland	437,269	10	7
Total Income of Duties pro Anno 1813	954,155	9	3
Duties pro Anno 1814:			
Brought from Money reserved in the Exchequer, being part of Annuity to the Prince of Wales	22,000	0	0
Interest, Management, &c. on Loan for Ireland	328,888	0	7
Total Income Duties pro Anno 1814	350,888	0	7
Duties pro Anno 1815:			
Surplus Consolidated Stamps	500,458	0	11¼
Taken from Consolidated Excise: Tobacco	131,318	0	0
Taken from Consolidated Excise: Licences	121,002	0	0
Interest, Management, &c. on Loan for Ireland	840,852	13	9
Total Income of Duties pro Anno 1815	1,593,630	14	8¼
Total INCOME of the Consolidated Fund, in the Year ended 5th January 1817	43,642,116	6	4½

RECAPITULATION:

	£.	s.	d.	£	s.	d.
Total Charge for Debt incurred prior to the Year 1807	21,613,206	1	7¾	21,567,765	18	11½
Total of Incidental Charges, &c.	1,724,741	12	10½	1,530,327	1	3¼
Total Charge for Debt incurred in the Year 1807	1,261,631	10	7¼	1,261,323	11	8½
Ditto 1808	878,055	3	0	878,055	3	0
Ditto 1809	1,378,013	14	10¼	1,378,013	14	10¼
Ditto 1810	1,276,589	10	2½	1,276,589	10	2½
Ditto 1811	1,495,929	14	9	1,495,929	14	9
Ditto 1812	2,216,395	8	8¾	2,216,397	10	6¾
Ditto 1813	4,150,227	0	4¾	4,151,235	1	9½
Ditto 1814	3,268,802	16	0½	3,288,802	16	0½
Ditto 1815	4,988,395	14	9½	4,365,619	10	2
Total CHARGE upon the Consolidated Fund, in the Year ended 5th January 1817	44,251,988	7	10¾	43,410,059	13	3¾

An Account of the Net Produce of all the PERMANENT TAXES *of* GREAT BRITAIN; *taken for Two Years, ending respectively the 5th January* 1816, *and 5th of January* 1817.

		In the Year ended 5th January 1816.			Ditto 5th January 1817.		
		£.	s.	d.	£.	s.	d.
CONSOLIDATED CUSTOMS		3,857,940	16	4½	2,731,751	17	8¾
ISLE OF MAN		9,501	9	5	6,180	2	11½
QUARANTINE DUTY		18,149	2	8½	17,716	19	11
CANAL AND DOCK Ditto		30,841	9	7	28,241	16	4
PERMANENT Ditto, 1813		716,497	19	4¼	516,885	18	8
...Ditto......late WAR DUTY 1809		-	-	-	1,080,077	0	2¾
...Ditto.......Ditto......... 1810 and 1811		-	-	-	47,782	3	11½
EXCISE		16,663,879	0	0	15,378,406	15	7½
BRITISH SPIRITS 1806		531,700	0	0	292,300	0	0
Ditto...Ditto...1811		526,840	10	9¼	516,640	0	0
FOREIGN Ditto		87,025	19	10¼	87,640	0	0
STAMPS, 1808		3,338,219	3	10	—		
Ditto... 1815		2,527,196	4	7	5,965,434	17	0
LOTTERY LICENCES		3,961	6	0	4,289	11	10
LAND TAXES		1,045,536	1	6¼	1,069,417	13	8
INCIDENTS:							
Letter Money		1,548,000	0	0	1,426,000	0	0
Hawkers and Pedlars		17,350	0	0	25,860	0	0
Seizures		9,445	7	2	14,584	0	5
Proffers		626	15	4	608	6	0
Compositions		-	-	-	0	3	4
Fines and Forfeitures		228	15	3	100	0	0
Rent of Alum Mines		864	0	0	864	0	0
...Ditto...a Light House		-	-	-	26	13	4
Alienation Duty		6,470	8	8	3,049	18	8
Hackney Coaches and Chairs	1711	9,720	0	0	10,692	0	0
...Ditto	1784	13,130	0	0	15,473	0	0
Windows	1766	2	15	0	—		
Houses	1778	0	16	6	—		
Arrears of Carts	1785	3	12	0	—		
Servants	——	5	5	0	—		
Arrears of £.10 per Cent.	1793	5	11	3	—		
Carriages	1798	21	0	0	—		
Husbandry Horses	——	-	-	-	3	18	3½
Windows	1804	196	12	11	7	8	0
Houses	——	27	7	10	0	10	6
Horses and Mules	——	146	0	0	1	19	7
Horses	——	429	0	0	26	5	5
Horse Dealers Licences	——	-	-	-	1	1	0
Servants	——	63	1	9½	4	0	0
Hair Powder	——	18	17	9¼	—		
Armorial Bearings	——	33	6	2¾	—		
Carriages	——	221	13	6	—		
Dogs	——	118	18	0	2	8	0
£.10 per Cent.	1806	37	16	1¼	—		
Consolidated Assessed Taxes	1808	6,213,659	2	9¾	5,782,875	15	10
6*d.* per lib. on Pensions	1812	49	17	10	—		
1 *s.* ditto ..... Salaries	——	417	5	10	—		
6 *d.* ditto ...... Pensions	1813	800	0	0	1,292	5	0
1 *s.* ditto ...... Salaries	——	1,427	4	2	190	13	0
6 *d.* ditto ...... Pensions	1814	5,100	0	0	694	5	7½
1 *s.* ditto ...... Salaries	——	14,000	0	0	1,879	4	11½
6 *d.* ditto ...... Pensions	1815	2,550	0	0	6,180	0	0
1 *s.* ditto ...... Salaries	——	1,500	0	0	14,635	0	0
6 *d.* ditto ...... Pensions	1816	-	-	-	2,600	0	0
1 *s.* ditto ...... Salaries	——	-	-	-	4,000	0	0
Two-wheeled Carriages	1802	-	-	-	400	0	0

		In the Year ended 5th January 1816. £.	s.	d.	Ditto 5th January 1817. £.	s.	d.
Surplus Duties Annually granted, after discharging £.3,000,000 Exchequer Bills, charged thereon.	Sugar and Malt	283,356	19	6	550,528	6	6¾
	Additional Ditto	873,368	0	0	889,844	3	2
	Annual Ditto	552,419	0	0	553,428	0	0
	Tobacco	91,924	0	0	153,740	0	0
	Land Tax on Offices ...	34,460	18	6	58,516	7	11½
		39,039,488	12	11½	37,260,874	12	6¾
Duties Annually granted, to discharge £.3,000,000 Exchequer Bills, charged thereon.	Sugar and Malt	2,470,362	2	9	2,393,202	12	2
	Additional Ditto	238,119	0	0	220,604	0	0
	Annual Ditto	-	-	-	786	0	0
	Tobacco	357,831	0	0	312,734	0	0
	Land Tax on Offices ...	16	18	4	4,016	18	4
		42,105,817	14	0½	40,192,218	3	0¾

III.

ARREARS AND BALANCES OF PUBLIC ACCOUNTANTS.

HEADS OF THESE ACCOUNTS.

Arrears due on the 5th of January 1817, from the Officers of the Customs in England, &c.
Arrears due on Ditto, from the Officers of the Customs in Scotland, &c.
Arrears due on Ditto, from the Officers of Excise in England, &c.
Arrears due on Ditto, from the Officers of Excise in Scotland, &c.
Arrears due on Ditto, from the Distributers of Stamps in Great Britain, &c.
Balances in the Hands of the Distributers of Stamps in Great Britain, &c.
Arrears due on the 5th of January 1817, from the Receivers General of the Land and Assessed Taxes in Great Britain, &c.
Arrears due on the 5th January 1817, from the Officers of the Post Office in Great Britain, &c.
Balances in the Hands of the Deputy Postmasters in Great Britain, &c.
Arrears and Balances due on the 5th January 1817, from the Persons employed in receiving or collecting the Land Revenue of the Crown in England and Wales, &c.
List of Public Accountants, in respect of whom the execution of any Process or Proceeding hath been Controlled, Suspended, or Prevented, &c.
Accounts delivered into the Office of the Comptrollers of the Accounts of the Army, &c.
List of Officers and Departments whose Accounts are audited by the Commissioners for Auditing the Public Accounts.*
List of Accounts Delivered over by the late Commissioners for Auditing Public Accounts to the Commissioners appointed for the like purpose under the 46th Geo. 3; and of the Accounts since received into the Audit Office, Somerset-Place, or since received into the Office of the said Commissioners, which have *neither* been *Audited, Stated,* nor *Declared*;—completed to the 5th of January 1817.
List of the same which *have* been either *Stated,* or *Declared;* so far as any *Balances* appear to be now owing *to,* or *from,* the Public upon any such Accounts; completed to the 5th January 1817.

* These will be found at length in Volume XX. of this Work.

IV.—TRADE AND NAVIGATION OF GREAT BRITAIN.

An Account of the Official Value of all IMPORTS *into, and of all* EXPORTS *from.* GREAT BRITAIN, *in the Years* 1814, 1815, *and* 1816, *respectively.*

YEARS.	OFFICIAL VALUE OF IMPORTS.	OFFICIAL VALUE OF EXPORTS.			Declared Value of British and Irish Produce and Manufactures Exported.
		British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize.	Total Exports.	
	£.	£.	£.	£.	£.
1814	36,559,788	36,092,167	20,499,347	56,591,514	47,851,453
1815	35,989,650	44,053,455	16,930,439	60,983,894	53,217,445
1816	30,106,818	36,714,534	14,545,933	51,260,467	42,942,951

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *which have been Built and Registered in the several Ports of the* BRITISH *Empire (except Ireland) between 5th January* 1814 *and 5th January* 1817, *distinguishing each Year.*

	SHIPS.	TONS.
In the Year 1814	818	95,976
……… 1815, being the Account delivered last Year, and now corrected	1,147	126,618
……… 1816	1,051	103,765

Note.—The Return made last Year for 1815 is now corrected. The present Return for 1816 will be subject to a similar addition next Year, as a part of the Accounts from the Plantations are not yet received.

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *and the Number of* MEN *and* BOYS *usually employed in Navigating the same, which belonged to the several Ports of the* BRITISH *Empire, on the 30th of September in the Years* 1814, 1815, *and* 1816.

	On 30th Sept. 1814:			On 30th Sept. 1815:			On 30th Sept. 1816:		
	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.	SHIPS.	TONS.	MEN.
England	17,102	2,088,204	131,078	17,346	2,139,301	135,006	17,442	1,152,968	134,060
Scotland	2,783	241,578	17,900	2,863	254,926	18,629	2,958	263,536	18,775
Ireland	1,183	61,769	5,700	1,163	60,123	5,551	1,178	63,229	5,681
Plantations	2,868	202,795	14,729	2,991	203,445	14,706	3,775	279,643	16,859
Guernsey	65	6,928	529	61	6,662	508	65	7,237	494
Jersey	62	6,794	643	69	7,519	626	77	7,992	636
Isle of Man	355	8,897	2,207	367	9,300	2,283	369	9,335	2,315
Total	24,418	2,616,965	172,786	24,860	2,681,276	177,309	25,864	2,783,940	178,820

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *and the Number of* MEN *and* BOYS *employed in Navigating the same (including their repeated Voyages) which entered* INWARDS *and cleared* OUTWARDS, *at the several Ports of* GREAT BRITAIN, *from, or to, all Parts of the World, between 5th January* 1814 *and 5th January* 1817.

	INWARDS.						OUTWARDS.					
	BRITISH.			FOREIGN.			BRITISH.			FOREIGN.		
England.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Tons.
1814	14,291	1,655,845	100,808	4,896	538,401	33,988	13,334	1,573,224	95,845	4,277	548,638	31,895
1815	14,735	1,761,453	104,690	4,527	610,612	35,568	14,739	1,805,409	109,567	4,089	642,238	35,256
1816	15,034	1,767,623	106,669	2,732	302,682	21,463	14,282	1,697,499	104,851	2,185	318,055	19,492
Scotland.												
1814	1,774	190,825	13,241	213	28,115	1,593	3,320	302,631	20,719	175	22,775	1,303
1815	2,116	231,697	15,337	295	45,659	2,531	3,242	300,267	20,483	196	29,452	1,645
1816	1,720	199,267	13,110	93	14,895	790	3,101	290,294	18,882	75	11,887	664

V.—PUBLIC EXPENDITURE—Jan. 5, 1817.

				£.	s.	d.	£.	s.	d.
I. For Interest, &c. on the Permanent Debt of Great Britain, Unredeemed; including Annuities for Lives and Terms of Years, (App. A. 1. 2.)				-	-	-	45,044,889	9	6
II. Interest on Exchequer Bills, (B.)...........................				-	-	-	2,196,177	19	3
III. Civil List, (C.)				1,028,000	0	0			
IV. Other Charges on the Consolidated Fund: Courts of Justice........................				70,092	3	7			
Mint				15,236	10	3			
Allowances, &c. to the Royal Family				427,009	4	5¼			
Salaries and Allowances				60,588	3	10¼			
Miscellaneous				123,815	10	9			
							1,724,741	12	10½
V. Civil Government of Scotland, (D.)				-	-	-	128,514	15	1
VI. The other Payments in Anticipation of the Exchequer Receipts; (E.)—viz.									
Bounties for Fisheries, Manufactures, Corn, &c.				247,132	14	6			
Pensions on the Hereditary Revenue				27,700	0	0			
Militia, and Deserters Warrants				83,749	10	6½			
							358,582	5	0½
VII. The Navy, (F.)—viz.									
Wages and General Services............................				6,695,647	4	10			
Victualling Department				1,128,061	1	4½			
Transport...... Ditto				1,692,617	0	9			
							9,516,325	6	11½
VIII. The Ordnance, (G.)				-	-	-	2,661,711	12	1
IX. The Army, (H.)—viz.									
Ordinary Services	£.8,607,497	8	7						
Extraordinary Services, including Remittances and Advances to other Countries...............	6,171,225	0	8						
				14,778,722	9	3			
Deduct the Amount of Remittances and Advances to other Countries, included in Appendix I.				1,731,139	12	11¼			
							13,047,582	16	3¾
X. Loans, &c. to other Countries, (I.)—viz.									
Ireland				2,581,148	6	2¼			
Russia	£.1,096,355	17	7½						
Sicily..................................	117,748	6	8						
Sweden	506,098	13	7						
Naples	263	15	7½						
Spain	1,121	10	8¼						
Holland	23	18	9						
Minor Powers under Engagements with the Duke of Wellington..	9,527	10	0						
				1,731,139	12	11¼			
							4,312,287	19	1½
XI. Miscellaneous Services, (K.)—viz.									
At Home				3,661,300	9	4½			
Abroad				247,861	10	6			
							3,909,161	19	10½
							82,899,975	16	1¼
Deduct Sums, which, although included in this Account, form no part of the Expenditure of Great Britain; viz.									
Loan, &c. for Ireland				2,581,148	6	2¼			
Sinking Fund on Loan to the East India Company				132,998	10	4			
							2,714,146	16	6¼
							*80,185,828	19	7

---

* This includes the Sum of £.495,711. 5. 6. for Interest, Management, and Sinking Fund, on Imperial Loans;
and £. 57,070. 5. 1. for.........Ditto................Portuguese Loan.

APPENDIX (A. 1.)—*Monies paid out of the Receipt of his Majesty's Exchequer, in the Year ended 5th January* 1817, *towards satisfying the Charges of the* PUBLIC DEBT *of* Great Britain, Ireland, Imperial *and* Portuguese *Loans.*

	INTEREST.			Annuities for Lives and for Terms of Years.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Permanent Funded Debt of Great Britain	26,723,232	14	3½	1,273,352	16	8¾	236,285	12	10¾
.........Ditto.........Debentures	39,370	0	0	—			—		
Sums raised for the Service of Ireland ...	2,810,512	6	6	129,583	6	8	24,971	3	4
Imperial Loans	171,285	9	3	230,000	0	0	3,939	5	6
Portuguese Ditto	15,552	19	9	-	-	- -	204	11	10
	29,759,953	9	9½	1,632,936	3	4¾	265,400	13	6¾
Life Annuities	1,632,936	3	4¾						
Management	265,400	13	6¾						
	31,658,290	6	9						
Towards the Redemption of the Public Debt; viz.									
Annual Issue, per Act 26 Geo. 3	1,000,000	0	0						
......Ditto...... ....42 Ditto...........	200,000	0	0						
Annuities for Terms of Years, expired prior to the 5th July 1802..............	79,880	14	6						
Ditto on Lives on which the Nominees are certified to have died prior to 5th July 1802, or that have been unclaimed for three Years	51,202	10	7						
Interest on Debt of Great Britain redeemed	848,174	4	7						
Ditto.........Ireland............................	516,061	19	9						
Ditto.........Imperial	53,793	10	9						
Ditto.........Portugal	11,312	13	8						
£.1. per Cent. on Capitals created since 5th January 1793	5,171,801	11	8						
Ditto on outstanding Exchequer Bills and Debentures on 5th January 1816	262,500	0	0						
Part of Annual Appropriation for the Redemption of £.12,000,000. part of £.14,200,000. per Anno 1807	626,255	10	5						
£.1. per Cent. on Capitals created by Loans for the Service of Ireland.........	1,039,584	19	9						
Ditto.........Imperial Loans	36,693	0	0						
Ditto.........Portuguese Ditto.........	30,000	0	0						
Ditto.........on Stock created by Loans 38, 39, 40, & 42 Geo. 3	867,963	0	0						
One-half of the amount of the Interest on Capitals in respect of the Excess of the Monies raised Anno 1813, above the Sum of £.13,013,914. per Act 53 Geo. 3, cap. 95	1,195,821	13	0						
Ditto......Ditto..... ...raised Anno 1814, above the Sum of £.11,330,452. per Act 54 Geo. 3, cap. 86	165,078	16	10						
Ditto......Ditto......... raised Anno 1815, above the Sum of £.11,324,760. per Act 55 Geo. 3, cap. 74	957,668	0	10						
Interest for Stock transferred for Life Annuities	96,469	1	9						
Long Annuities transferred for Ditto......	568	10	0						
	13,210,829	18	1						
From above	31,658,290	6	9						
	44,869,120	4	10						

Note 1.—The gross Amount received and applied towards Redemption of the Public Debt is as follows:

	£.	s.	d.	£.	s.	d.
Money paid out of the Receipt of the Exchequer as herein stated				£.13,210,829	18	1
Add—The following Items, as in Appendix A. No. 2:						
Returned from the Account of Life Annuities, the Nominees having died prior to its being set apart for Payment.........................	1,522	12	9			
Life Annuities unclaimed for 3 Years and upwards, per Act 52 Geo. 3, cap. 129...	1,495	0	6			
Paid into the Bank of England to the Account of the Commissioners, being part of a Legacy bequeathed by Anna Maria Reynolds	3,746	13	5			
Ditto, the Value of £.57,747. 16*s*. 3*d*. Capital Stock, bequeathed by Ditto to Ditto	35,996	7	11			
Remittance by some Person unknown, for the use of the Sinking Fund	10	0	0			
Sum applied towards the Redemption of the East India Company's Debt	132,998	10	4			
				175,769	4	11
			TOTAL......£.	13,386,599	3	0

Note 2.—Total Expenditure on Account of Interest and Charges of Management as herein stated ... 31,658,290 6 9
.........Ditto.........Reduction of National Debt......... 13,386,599 3 0
£.45,044,889 9 9

APPENDIX (A. 2.)—*Total Amount of the Sums actually received by the* COMMISSIONERS *for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1817.

	£.	s.	d.	£.	s.	d.
GREAT BRITAIN:						
Annual Issue, 26 Geo. 3, cap. 31	1,000,000	0	0			
Ditto, additional ditto, 42 Geo. 3, cap. 71	200,000	0	0			
Exchequer Annuities for 99 and 96 Years, expired 1792, 26 Geo. 3, cap. 31	54,880	14	6			
Short Annuities 1777, expired 1787, 26 Geo. 3, cap. 31	25,000	0	0			
Annuities on Lives, expired prior to the 5th July 1802, 26 Geo. 3, cap. 31	21,356	6	1			
Annuities on Lives unclaimed for three Years before 5 January 1816, 27 Geo. 3, cap. 13	29,846	4	6			
£. 1 per Cent. per Ann. on outstanding unprovided Exchequer Bills and Debentures	262,500	0	0			
£. 1 per Cent. per Ann. on Capitals created by Loans raised from 1793 to 1812, both inclusive, 32 Geo. 3, cap. 55	5,601,813	16	5½			
Per Centage on Loans raised from 1813 to 1815, both inclusive, 53 Geo. 3, cap. 35	2,756,519	5	9½			
Interest on Capitals purchased at £. 3 per Cent.	589,454	2	3			
Interest on Capitals purchased at £. 4 per Cent.	—					
Interest on Capitals purchased at £. 5 per Cent.	87	10	0			
Ditto on Capitals transferred for Life Annuities, at £. 3 per Cent.	96,469	1	9			
Long Annuity transferred for ditto	568	10	0			
Returned from the Account of Life Annuities, the Nominees having died prior to its being set apart for payment	1,522	12	9			
Life Annuities unclaimed for three Years and upwards, at 5 January 1816, 52 Geo. 3, cap. 129	1,495	0	6			
Paid into the Bank of England to the Account of the Commissioners, being part of a Legacy bequeathed by Anna Maria Reynolds	3,746	13	5			
Ditto............the value of £. 57,747. 16*s.* 3*d.* Capital Stock, bequeathed by Ditto to Ditto	35,996	7	11			
Remittance by some Person unknown, to the use of the Sinking Fund	10	0	0			
				10,681,266	5	11
Annual Appropriation towards the Redemption of £. 12,000,000, part of £. 14,200,000, Loan 1807, 47 Geo. 3, cap. 55	626,255	10	4	884,888	2	8
Interest on Capital purchased at £. 3 per Cent.	258,632	12	4			
				11,566,154	8	7
Deduct, set apart from the Sinking Fund to pay Life Annuities, pursuant to 48 Geo. 3, cap. 142	-	-	-	206,283	10	6
				11,359,870	18	1
IRELAND:						
£. 1 per Cent. per Ann. on Capitals created by Loans raised from 1797 to 1815, both inclusive, 32 Geo. 3, cap. 55	1,039,584	19	8			
Interest on Capital purchased at £. 3 per Cent.	516,061	19	9			
				1,555,646	19	5
IMPERIAL:						
£. 1 per Cent. per Ann. on Capital created by Loan 1797, 37 Geo. 3, cap. 59	36,693	0	0			
Interest on Capital purchased at £. 3 per Cent.	53,793	10	9			
				90,486	10	9
PORTUGAL:						
Annual Appropriation towards the Redemption of Capital created by £. 600,000, part of Loan 1809, 49 Geo. 3, cap. 71	30,000	0	0			
Interest on Capital purchased at £. 3 per Cent.	11,312	13	8			
				41,312	13	8
EAST INDIA COMPANY:						
Annual Appropriation towards the Redemption of Capital created by £. 2,500,000, part of Loan 1812, 52 Geo. 3, cap. 135	110,820	0	0			
Interest on Capital purchased at £. 3 per Cent.	22,178	10	4			
				132,998	10	4
Applied to the purchase of Stock				13,180,315	12	3
Ditto to the payment of Life Annuities				206,283	10	6
Gross Amount				13,386,599	2	9

APPENDIX (B.)—*Account of the Interest paid on* EXCHEQUER BILLS, *from the 5th day of January* 1816 *to the 5th day of January* 1817.

ACTS under which the Bills were issued.	FUNDS charged with the Principal.	Amount of INTEREST. £.	s.	d.
55 Geo. 3, cap. 3	Malt and Personal Estates, 1815 ... £. 3,000,000	2,440	16	10
55 Geo. 3, cap. 4	Supplies, 1816 .... £.12,500,000	669,199	11	11
55 Geo. 3, cap. 5	Supplies, 1815	1,042,752	5	5
55 Geo. 3, cap. 148	Supplies, 1816 .... £. 4,500,000	225,108	11	0
55 Geo. 3, cap. 149	Supplies, 1816 .... £. 1,500,000	66,986	6	0
55 Geo. 3, cap. 196	Supplies, 1816 .... £. 6,000,000	161,679	2	0
56 Geo. 3, cap. 3	Malt and Personal Estates, 1816... £. 3,000,000	22,011	6	1
		2,196,177	19	3

APPENDIX (C.)—*An Account of the Charge upon the* CONSOLIDATED FUND, *in the Year ended 5th January* 1817; *exclusive of the Interest of the* PUBLIC DEBT, *and of the Payments upon* EXCHEQUER BILLS:—*Distinguishing the same under the several Heads of—Civil List—Courts of Justice—Mint—Salaries—Bounties, &c.*

		£.	s.	d.
CIVIL LIST:				
FOR THE SUPPORT OF HIS MAJESTY'S HOUSEHOLD, per Act 17 Geo. 3		898,000	0	0
...Ditto... 44		60,000	0	0
...Ditto... 52		70,000	0	0
		1,028,000	0	0
COURTS OF JUSTICE, (See page xi)		70,092	3	7
MINT, (See page xii)		15,236	10	3
SALARIES & ALLOWANCES, (See page xiii)		60,588	3	10½
PENSIONS:				
Earl of Chatham, per Act	18 Geo. 3,	4,000	0	0
Lord Rodney.....	23	2,000	0	0
Lady Dorchester	26	1,000	0	0
John Penn, Esq.	30	1,000	0	0
Richard Penn, Esq.	—	3,000	0	0
Duke of Clarence	31	12,000	0	0
Ditto, transferred from Civil List	56, c. 46	1,875	0	0
Duke of York	32	14,000	0	0
Ditto, transferred as above	56	9,000	0	0
Duchess of Ditto	32	4,000	0	0
Prince of Wales	35	65,000	0	0
Earl St. Vincent	38	2,000	0	0
Viscount Duncan	—	2,000	0	0
Duke of Kent	39	12,000	0	0
Ditto ... Cumberland ...	—	12,000	0	0
Ditto ... Richmond	—	6,333	6	8
Lord Erskine	—	4,000	0	0
Sir Archibald Macdonald	—	2,500	0	0
Sir James Mansfield	—	2,500	0	0
Sir Alan Chambré	—	1,967	0	7¾
Sir Sydney Smith	41	1,000	0	0
Baroness Abercrombie ...	—	2,000	0	0
Duke of Sussex	42	12,000	0	0
Ditto ... Cambridge	—	12,000	0	0

		£.	s.	d.
Lord Hutchinson	42	2,000	0	0
Sir James Saumarez	43	1,200	0	0
Lord Boringdon, et. al. for Lord Amherst ...	—	3,000	0	0
Duke of Athol	45	3,204	3	8¼
Lady Nelson	46	2,000	0	0
Henry M. Dyer, Esq. ...	45	1,000	0	0
John Sewell, Esq.	—	1,000	0	0
John W. Compton, Esq.	—	1,000	0	0
Alexander Croke, Esq. ...	—	972	10	6½
William Territt, Esq. ...	—	525	5	7¼
Sir Richard Strachan ...	46	1,000	0	0
Lady Collingwood	—	1,000	0	0
Hon. Sarah ditto, (now Newnham)	—	500	0	0
Hon. Mary P. ditto	—	500	0	0
Sir John T. Duckworth ..	—	1,000	0	0
Duke of Clarence.........	—	6,000	0	0
Ditto ... Kent	—	6,000	0	0
Ditto ... Cumberland ...	—	6,000	0	0
Ditto ... Sussex............	—	6,000	0	0
Ditto ... Cambridge......	—	6,000	0	0
Princess Charlotte of Wales	—	2,269	4	7¼
Ditto	56	40,549	9	0
Duke of Gloucester	46	14,000	0	0
Princess Sophia of ditto	—	7,000	0	0
Earl Nelson	—	5,000	0	0
Lord Rodney	—	923	1	6
Viscount Lake	48	2,000	0	0
Earl of Wellington	50	2,000	0	0
Ditto	52	2,000	0	0
Hon. Jane Perceval, (now Carr)	—	2,000	0	0
Princess Elizabeth	—	9,000	0	0
Ditto, transferred from Civil List	56	3,000	0	0
Princess Mary	52	9,000	0	0
Ditto, from Civil List ...	56	3,000	0	0
Princess Augusta Sophia	52	9,000	0	0
Ditto, from Civil List ...	56	3,000	0	0
Princess Sophia...........	52	9,000	0	0
Ditto, from Civil List ...	56	3,000	0	0

PENSIONS—*continued.*		£.	s.	d.
Sir Archibald Macdonald	53	800	0	0
Sir James Mansfield	—	800	0	0
Sir Alan Chambré	—	590	2	2¼
Princess of Wales	54	35,000	0	0
Duke of Wellington	—	13,000	0	0
Lord Beresford	—	2,000	0	0
Ditto Combermere	—	2,000	0	0
Ditto Exmouth	—	2,000	0	0
Ditto Hill	—	2,000	0	0
Ditto Lynedock	—	2,000	0	0
Ditto Walsingham	—	2,000	0	0

Total, £.427,009. 4. 5¼.

MISCELLANEOUS:

	£.	s.	d.
Deficiency of Profits to the South Sea Company, per 55 Geo. 3, cap. 57	1,850	18	0
Interest on a Moiety of 50 Millions of Florins raised in Holland, for the Service of Russia, per 55 Geo. 3, cap. 115	121,964	12	9

Total, £.123,815. 10. 9.

General Total, £.1,724,741 12 10½

APPENDIX (D.)—*A List of all such Sum and Sums of Money as have been incurred and become due upon his Majesty's Establishment for* CIVIL AFFAIRS *within* SCOTLAND, *bearing date the* 19*th day of June* 1761; *for one Year, from 5th January* 1816 *inclusive, to 5th January* 1817 *exclusive* ... Total Amount, £.128,514. 15. 1.

APPENDIX (E. 1.)—*An Account of the Amount of* BOUNTIES *paid in* GREAT BRITAIN, *distinguishing* ENGLAND *from* SCOTLAND, *out of the Revenue of Customs, between the 5th January* 1816 *and the 5th January* 1817; *being Payments in the Nature of Anticipations of Exchequer Issues.*

	ENGLAND.			SCOTLAND.			GREAT BRITAIN.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Year ended 5th January 1817	129,965	0	10	74,649	19	9	204,615	0	7

APPENDIX (E. 2.)—*An Account, showing how the* PUBLIC MONIES *remaining in the Receipt of the Exchequer on the 5th January* 1816, *together with the Monies paid into the same during the Year ended the 5th January* 1817, *and the Monies paid out of the Net Produce of the Revenues of the said Year, in Anticipation of the Exchequer Receipt, have been actually applied, so far as regards the Receipt of the Excise in* ENGLAND, *and can be ascertained at the Excise Office.*

	PENSIONS; viz.	£.	s.	d.	£.	s.	d.
6th Head	The Duke of Grafton	9,000	0	0			
	Earl Cowper	2,000	0	0			
	Charles Boone, Esq. Moiety of the Earl of Bath's	1,500	0	0			
	Lord Melbourne	1,500	0	0			
					14,000	0	0
	BOUNTIES:						
	On Beer exported				353	11	0
	— Salted Provisions exported, White Herrings taken, and Tonnage in the White Herring Fishery				10,719	19	7
					£.25,073	10	7

APPENDIX (E. 3.)—EXCISE, SCOTLAND.—*An Account of the Amount of* BOUNTIES *paid out of the Revenues of Excise in* SCOTLAND, *(being Payments in the Nature of Anticipations of Exchequer Issues) in the Year ended 5th January* 1817. *Required by the Right Hon. the Lords Commissioners of his Majesty's Treasury, per Letter of George Harrison, Esq. of 6th January* 1817.

PAID, in the Year ended 5th January 1817 - - - - - £.31,444. 3. 4.

APPENDIX (E. 4.)—POST OFFICE.—*An Account of* PENSIONS *paid by* PARLIAMENTARY GRANTS, *in the Year ended 5th January* 1817.

His Grace the Duke of Marlborough - - - -	£.5,000
His Grace the Duke of Grafton - - - - - -	4,700
The Heirs of the late Duke of Schomberg - - -	4,000
	£.13,700

APPENDIX (E. 5.)—*An Account of Sums advanced by Receivers General of Land and Assessed Taxes, on Account of* MILITIA *and* DESERTERS WARRANTS, *and other Disbursements, under various Acts of Parliament, in the Year ended 5th Jan.* 1817.

HEADS OF SERVICE.	ENGLAND & WALES.			SCOTLAND.			GREAT BRITAIN.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Militia and Deserters Warrants - - - - - -	53,265	19	2	13,896	9	11½	67,162	9	1½
Volunteers - - - - - - - - - - - - -	1,168	19	6	-	-	-	1,168	19	6
Defence Acts - - - - - - - - - - - -	949	10	6	-	-	-	949	10	6
Army of Reserve - - - - - - - - - -	127	12	4	2,014	9	6	2,142	1	10
Population Act - - - - - - - - - - -	-	-	-	50	17	5	50	17	5
Augmentation of Stipends to Scotch Clergy, (50 Geo. 3, cap. 84) - - - - - - - - - -	-	-	-	9,775	12	2	9,775	12	2
To the Commissioners for the Highland Road (54 Geo. 3, cap. 104) - - - - - - - - -	-	-	-	2,500	0	0	2,500	0	0
	55,512	1	6	28,237	9	0½	83,749	10	6½

APPENDIX (F.)—NAVY-OFFICE.—*An Account, showing the Amount of Monies received from his Majesty's Exchequer, for* NAVAL SERVICES, *between the 5th Jan.* 1816 *and the 5th Jan.* 1817.

HEADS OF SERVICE.	SUM.			TOTAL.		
NAVY.	£.	s.	d.	£.	s.	d.
WAGES:						
Wages to Officers and Seamen - - - - - - - - - - -	1,594,500	0	0			
Half Pay to Sea Officers, and Bounty to Chaplains - - - -	861,500	0	0			
Wages to His Majesty's Dock and Rope Yards - - - - -	989,000	0	0			
GENERAL SERVICE:						
For General Services, viz. Bills of Exchange, Imprests, Salaries, Pensions, Marines, &c. - - - - - - - - - - - -	950,000	0	0			
Building of Ships, purchase of Stores of every description, repairing Ships, purchase of Ships taken from the Enemy, Head Money, &c. paid for in Bills at ninety days date - -	2,300,647	4	10			
				6,695,647	4	10
VICTUALLING.						
Provisions, and all sorts of Victualling Stores, paid for in Bills of ninety days date - - - - - - - - - - - - - -	750,985	8	7			
Widows Pensions - - - - - - - - - - - - - - - -	12,575	12	9½			
Bills of Exchange, and Imprests - - - - - - - - - -	268,500	0	0			
General Services, viz. Necessary and Extra-Necessary Money and Contingencies - - - - - - - - - - - - - -	96,000	0	0	1,128,061	1	4½
TRANSPORTS.						
Freight of Transports, Maintenance of Prisoners of War, and Expense of Sick and Wounded Seamen, paid for in Bills at ninety days date - - - - - - - - - - - - - -	1,553,617	0	9			
Bills of Exchange, and all Services paid for in Ready Money -	139,000	0	0			
				1,692,617	0	9
				9,516,325	6	11½

APPENDIX (G.)—*An Account of Monies paid by the Office of* ORDNANCE *in the Year* 1816, *for Services at Home and Abroad respectively.*

	£.	s.	d.
For Services at Home	1,870,783	10	6
For Services Abroad	790,928	1	7
	£. 2,661,711	12	1

APPENDIX (H.)—*An Account of Monies paid by the Right Hon. the Paymaster General of his Majesty's* FORCES, *from 25th December* 1815 *to the 24th December* 1816, *both inclusive.*

				£.	s.	d.
Pay and Allowances of the Forces at Home (including Foreign Corps, and embodied Militia) Captains Allowances, Clothing, Recruiting, and Regimental Contingencies				3,247,157	3	1
Staff and Garrisons				128,822	3	2
Public Offices, including Superannuation Allowances				168,502	13	9
Bills drawn by Deputy Paymasters abroad, on account of the above Services				66,966	19	11
Pay, &c. of Recruiting Troops and Companies of Regiments serving in India				15,775	5	4
Disembodied Militia				203,000	0	0
Local Militia				115,000	0	0
Volunteer Corps				68,162	0	9
Half Pay				325,000	0	0
Supernumerary and Retired Officers				106,741	11	6
General Officers				110,000	0	0
Military Pensions to Wounded Officers				110,000	0	0
Widows Pensions				86,000	0	0
Royal Bounty				41,000	0	0
Compassionate List				31,000	0	0
In-Pension of Chelsea Hospital				46,195	7	9
Out-Pension of ditto				772,341	11	3
Contingencies (Miscellaneous)				261,346	13	3
Exchequer Fees				55,680	1	2
Allowances to Foreign Officers, and the Widows and Children of ditto				82,890	0	0
Retired Chaplains				10,000	0	0
Officers serving with the Portuguese Army				34,016	14	6
Medicines and Hospital Contingencies				39,680	8	0
Barrack Department				178,626	0	0
Storekeeper General				44,800	0	0
Commissary in Chief (voted)	£. 405,240	9	10			
Amount issued out of Extraordinaries	1,438,244	18	6			
				1,843,485	8	4
Amount issued to the East India Company, in part of the Vote for defraying Expenses incurred by them for the Public Service				387,145	6	9
Extraordinaries, including all Bills drawn upon the Treasury				6,171,225	0	8
Miscellaneous Payments				28,162	0	1
				14,778,722	9	3
				* 1,731,139	12	11¼
£.				13,047,582	16	3¾

The Sum of £. 3,400,000 has also been paid by the Paymaster General in discharge of Bills of Exchange drawn by the Treasury of Ireland, on account of Irish Loan 1815.

The Sum paid for Extraordinaries, includes advances of Specie made at various Stations abroad by the Commissariat Department, for Pay of the Forces and other Services; also Provisions issued to the said Forces, for which credit will be given at the foot of the Account of Extraordinaries for the year 1816.

* Note.—The Sum of £. 1,731,139. 12. 11¼. being the Amount of Remittances and Advances to other Countries, should be deducted from this Account, the same being included in this Account, as well as in Account Appendix I.—The Expenditure of the Army will then be £. 13,047,582. 16. 3¾.

APPENDIX (I.)—*An Account of the several* PAYMENTS *made in the Year ended 5th Jan.* 1817, *in respect of* LOANS, REMITTANCES, *and* ADVANCES, *to* Ireland *and other Countries.*

	£. s. d.	£. s. d.	£. s. d.
IRELAND:			
To complete the Loan, £.9,000,000. per Act 55 Geo. 3. cap. 124 - - -	- - -	2,454,009 8 5	
Ditto Lottery 1815, per Act 55 Geo. 3, c. 73	90,833 6 8		
Ditto Lottery 1816, per Act 56 Geo. 3, c. 61	36,305 11 1¼		
		127,138 17 9¼	
			2,581,148 6 2¼
RUSSIA:			
Remitted by the Commissary in Chief, to complete the Sum agreed to be paid under the Convention of 29th April 1815 - -	972,222 4 4		
Ditto on account of 25,000,000 Florins, part of the Russian Loan made in Holland, the Interest and Sinking Fund on which is to be defrayed by this Country, in conformity to a Convention, signed at London on the 19th May 1815, and confirmed by an Act 55 Geo. 3, cap. 115 - - -	121,964 12 9		
	1,094,186 17 1		
Value of Provisions, &c. supplied by the Commissioners of Victualling - -	2,169 0 6½		
		1,096,355 17 7½	
SICILY:			
Remitted by the Commissary in Chief, to complete the Subsidy agreed to be furnished under a Treaty dated 13th May 1809 -	117,748 6 8		
SWEDEN:			
By Payments made on account of the Sum of One Million, agreed to be paid under a Convention dated 13th August 1814 -	500,000 0 0		
Remitted by the Commissary in Chief, to complete the same - - - -	6,098 3 7		
		506,098 13 7	
NAPLES:			
Value of Provisions, &c. supplied by the Commissioners of Victualling - -	- - -	263 15 7½	
SPAIN:			
By a Bill drawn on the Treasury, on account of Subsidy to the Spanish Gov. in 1812 -	1,000 0 0		
Value of Provisions, &c. supplied by the Commissioners of Victualling - -	121 10 8¼		
		1,121 10 8¼	
HOLLAND:			
Value of Provisions, &c. supplied by the Commissioners of Victualling - -	- - -	23 18 9	
In discharge of Engagements, made by the Duke of Wellington, with the following States: Holstein Oldenburgh, £.1,480 | Reuss Greitz - £.832 10 Lippe - - - 6,475 | Waldeck - - 740 0		9,527 10 0	
			1,731,139 12 11¼
		TOTAL - - - £.	4,312,287 19 1½

	£. s. d.
Total Amount of Pecuniary Aid - -	1,728,561 7 4
Value of Provisions, &c. supplied by the Commissioners of Victualling - -	2,578 5 7¼
	£.1,731,139 12 11¼

N. B. The Value of all Supplies furnished to Foreign Powers being included in the Accounts of Expenditure by the Army, Navy and Ordnance Departments, the Total Amount of such Supplies should be deducted therefrom; but as it is the usual practice to repay to the Ordnance and Naval Departments the Value of the Stores furnished by them, by Warrants upon the Paymaster General, the Total Deduction may be made from the Army Expenditure.

Whenever any Supplies have been furnished by the Board of Ordnance, the Value thereof must also be deducted from the Total Expenditure by that Board, as they give in their Accounts the Total Payments made by them in each Year, and consequently when the Amount of the Stores supplied by them are repaid by the Paymaster General, those Sums are disbursed for other Services, and again appear in the Ordnance Accounts. No Supplies have however been furnished this Year by that Department. The Naval Account, on the contrary, comprises only the Money issued from the Exchequer, and the Expenditure thereof.

APPENDIX (K.)—*An Account, showing how the Monies remaining in the Receipt of the* EXCHEQUER *on the 5th day of January* 1816, *together with the Monies paid into the same during the Year ended the 5th day of January* 1817, *have been actually applied; so far as relates to* MISCELLANEOUS SERVICES.

SERVICES AT HOME.	*£.*	*s.*	*d.*
Towards defraying the Expense of the Royal Military College 1813, 1815 & 1816	37,316	17	9
Ditto Royal Military Asylum 1816	31,431	8	9½
Ditto Repairs of Ditto	2,181	0	0
Towards the Repairs of Henry the Seventh's Chapel	2,955	4	0
For Improvements of Streets and Places near Westminster Hall	5,000	0	0
For the Improvement of the Buildings of the University of Edinburgh	10,000	0	0
In further execution of an Act for making Roads and building Bridges in the Highlands of Scotland 1815 & 1816	30,000	0	0
For repairing the Roads between London and Holyhead	20,000	0	0
Towards defraying the Expense of making an Inland Navigation from the Eastern to the Western Sea, by Inverness and Fort William	50,000	0	0
For defraying the Expense of building a Penitentiary House at Milbank 1813, 1815, & 1816	47,152	3	9½
For defraying the Expense of the Establishment of Ditto 1816	3,500	0	0
For defraying the Expense of embanking the River Thames in front of Ditto 1815 & 1816	6,500	0	0
For the Improvement of Holyhead Harbour	17,000	0	0
To defray the Expense of Buildings and Repairs at the New Mint	18,380	0	0
Towards the Erection of an Asylum for the Reception of Criminal Lunatics 1816	5,344	15	0
To enable the Commissioners appointed per Act 55 Geo. 3, to make Compensations to the Proprietors of Lands at or near Portsmouth and Hilsea, purchased for the Service of the Ordnance 1815	68,833	19	0
For defraying the Extraordinary Expenses incurred for Prosecutions relating to the Coin of this Kingdom 1815 & 1816	3,051	18	10
For paying the Fees on passing the Public Accounts 1815	1,000	0	0
For defraying the Expense of Law Charges	15,000	0	0
For defraying the Expense attending the confining, maintaining, and employing Convicts at Home 1815 & 1816	68,083	5	0
For defraying the Expense of the Public Office in Bow-street 1815	3,323	12	2
For defraying the Charge of the Superintendence of Aliens 1815 & 1816	6,374	3	4
For defraying the Charge of the Board of Agriculture 1816	3,000	0	0
To defray the Expense of the National Vaccine Establishment	3,000	0	0
To enable the Trustees of the British Museum to carry on the Trusts reposed in them by Parliament	10,253	19	6
Towards defraying such Expenses of a Civil Nature as do not form a Part of the Ordinary Charges of the Civil List 1815 & 1816	378,150	18	2
For paying the Salaries of certain Officers of the two Houses of Parliament 1815	305	0	0
To defray the supplemental Charge for printing Bills, Reports, and other Papers, for the Session 1813 1816	6,071	19	8
To defray the Charge of printing for the House of Lords, and for printing Acts of Parliament 1815 & 1816	35,000	0	0
To make good the Deficiency of the Grant 1815, for Ditto Ditto 1816	3,015	18	4½
For defraying the Expense of printing 1,750 Copies of the 68th Volume of the Journals of the House of Commons 1815	2,500	0	0
To make good the Deficiency of the Grant 1815, for printing 1,750 Copies of the 68th Volume of the Journals of the House of Commons 1816	891	3	11
For defraying the Expense that may be incurred in 1816, for printing 1,750 Copies of the 69th Volume of the Journals of the House of Commons, being for the Session 1813-14	2,500	0	0
For defraying the Expense of printing the Votes of the House of Commons	2,217	9	4
To defray the Expense that may be incurred towards reprinting Journals and Reports of the House of Commons 1815	6,000	0	0
To make good the Deficiency of the Grant for the Year 1815, for reprinting Journals and Reports of the House of Commons 1816	3,208	12	10½
To make good the Deficiency of the Grant 1815, for defraying the Expense of printing Bills, Reports, and other Papers, by order of the House of Commons	5,128	10	6
To defray the Charge of Stationary for the two Houses of Parliament 1815	459	3	5½
To defray Bills of the Usher of the Court of Exchequer, for supplying the Court and Offices with Stationary, for keeping in good and sufficient Repair the said Court, and for the accustomed Fees or Allowances to the several Officers thereof	255	1	9
For the Relief of the suffering Clergy and Laity of France, Toulonese, and Corsican Emigrants, St. Domingo Sufferers, and Dutch Naval Officers 1815 & 1816	36,701	13	7

	£.	s.	d.
For Composition to St. Domingo Sufferers, in lieu of Annual Allowances - 1814	3,500	0	0
For the Relief of American Loyalists - 1815 & 1816	15,500	0	0
For Protestant Dissenting Ministers in England - 1815	807	17	0
To pay certain small charitable and other Allowances to the Poor of St. Martin's-in-the-Fields, et alia	583	7	5
To the Governors of Queen Anne's Bounty for the Augmentation of the Maintenance of the Poor Clergy - 1816	100,000	0	0
To defray the Charge of Superannuation Allowances to retired Clerks in the Mint	680	0	0
.........Ditto............To Joseph Planta, Esq. formerly one of the Paymasters of Exchequer Bills	266	13	4
.........Ditto............To retired Clerks in the Audit Office - 1815 & 1816	2,150	0	0
.........Ditto............To retired Clerks in the Lottery Office	535	0	0
To pay off certain Annuities after the rate of £. 5 per Centum per Annum, being part of the Annuities granted per Acts 37 and 42 Geo. 3 - 1816	217,832	4	6
For the Salaries of the Officers, and incidental Expenses in preparing and drawing the Lotteries - 1815 & 1816	15,250	0	0
To the Chief Clerk in the Office of the Auditor of the Exchequer, for his extra Trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3	500	0	0
.........Ditto.........et al. Remuneration for issuing and paying off Debentures - 1816	500	0	0
For Salaries to the Officers, and incidental Expenses of the Commissioners, for the Reduction of the National Debt - 1815 & 1816	4,000	0	0
For incidental Expenses of the Acts for the Redemption of Land Tax	3,795	13	0
Bank of England, for Discount on prompt Payment to Loan £. 36,000,000, for the Service of the Year 1815	281,397	3	9
.........Ditto.........for Management on the above Loan	28,800	0	0
.........Ditto.........for Discount on Lotteries - 1815	509	8	2
.........Ditto.........for receiving Ditto - 1815 & 1816	3,000	0	0
For paying off, at 5th April 1816, Debentures raised per Acts 33 Geo. 3, for which Notices had been given for that purpose - 1816	787,400	0	0
To replace to the Civil List, Sums become chargeable thereon, or issued thereout, since 5th January 1816, in respect of those Services which are hereafter to be otherwise provided for	185,000	0	0
To defray the Expenses incurred by the East India Company in the Public Service	917,705	3	5
To defray the Expense of making Preparations for the Marriage of her Royal Highness the Princess Charlotte Augusta with his Serene Highness Leopold George Frederick Prince of Cobourg of Saalfeld	60,000	0	0
For the purchase of the Elgin Marbles	35,000	0	0
To defray the Expense of removing Ditto	800	0	0
To defray the Expense of erecting a temporary Building for the reception of Ditto	1,700	0	0
For a Remuneration to Mr. Aaron Graham for his various Services, beyond those of Inspector of Hulks	3,000	0	0
To make good any Deficiency or Loss that may arise from the Recoinage of the Silver Coin of this Realm	40,000	0	0
	3,661,300	9	4½

SERVICES ABROAD.

		£.	s.	d.
Towards defraying the Expense of the Civil Establishments of	Upper Canada - 1815 & 1816	10,920	0	0
	Bahamas	3,150	0	0
	Dominica	600	0	0
	Cape Breton	1,594	0	0
	Prince Edward Island	5,652	0	0
	Newfoundland	5,565	0	0
	Sierra Leone	16,260	0	0
	Bermuda	951	2	6
	Nova Scotia	7,000	0	0
	New Brunswick - 1816	3,500	0	0
	New South Wales - 1815 & 1816	12,737	15	0
To defray the Charge of maintaining and repairing the British Forts on the Coast of Africa - 1816		23,000	0	0
To pay Bills drawn from New South Wales		80,000	0	0
To defray the Charge of his Majesty's Foreign and other Secret Services - 1814		74,881	13	0
For defraying the Expense of Repairs to the English Church at Rotterdam - 1815		2,000	0	0
	Total Services Abroad	247,861	10	6
	Total Services at Home	3,661,300	9	4½
	£.	3,909,161	19	10½

VI.—PUBLIC FUNDED DEBT.

An Account of the PUBLIC FUNDED DEBT *of* GREAT BRITAIN, *as the same stood on the* 1st *of February* 1817.

	CAPITALS, at £.3 per Cent. per Annum.											Consolidated Annuities, at £.4 per Cent.			CAPITALS, at £.5 per Cent.					
	Bank of England, and Annuities, 1726.		South Sea Old and New Annuities, 1791.			Consolidated Annuities.			Reduced Annuities.						Consolidated Annuities.			Annuities, 1797 and 1802.		
	£.	s.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
TOTAL DEBT of Great Britain	15,686,800	0	21,037,684	13	11½	354,763,461	2	4¼	132,527,696	18	10	68,981,344	2	2	132,678,057	9	7	1,063,798	0	8
.... Ireland, payable in Great Britain	-	-	-	-	-	42,087,625	0	0	52,768,750	0	0	5,954,375	0	0	2,222,000	0	0	—		
.........Loans to the Emperor of Germany, payable in Ditto.........	-	-	-	-	-	7,502,633	6	8	—			—			—			—		
.........Ditto to Prince Regent of Portugal, payable in Ditto...........	-	-	-	-	-	-	-	-	895,522	7	9	—			—			—		
	15,686,800	0	21,037,684	13	11½	404,353,719	9	0¼	186,191,969	6	7	74,935,719	2	2	134,900,057	9	7	1,063,798	0	8
In the Names of the Commissioners for the Reduction of the Debt	461	11	6,692,000	0	0	18,370,161	7	11	36,852,915	10	2	16,313	17	1	17,708	11	7	5,294	15	2
	15,686,338	9	14,345,684	13	11½	385,983,558	1	1¼	149,339,053	16	5	74,919,405	5	1	134,882,348	18	0	1,058,503	5	6
Transferred to the Commissioners by Purchasers of Life Annuities, pursuant to Act 48 Geo. 3, cap. 142	-	-	-	-	-	2,275,876	0	0	1,174,079	0	0	—			—			—		
TOTAL, &c.........£.	15,686,338	9	14,345,684	13	11½	383,707,682	1	1¼	148,164,974	16	5	74,919,405	5	1	134,882,348	18	0	1,058,503	5	6

(Repeated Column.)	TOTAL CAPITALS.			ANNUAL INTEREST.			Annuities for Lives, or for Terms of Years.			Charges of Management.			Annual or other Sums payable to the Commissioners by sundry Acts of Parliament.			TOTAL of ANNUAL EXPENSES.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Total DEBT of Great Britain	726,738,842	7	6¾	25,166,815	16	4½	1,303,250	14	5¾	245,350	14	1½	10,545,190	6	5½	37,260,607	11	5¼
.... Ireland, payable in Great Britain..................	103,032,750	0	0	3,194,966	5	0	129,583	6	8	28,826	9	9½	1,039,584	19	9¾	4,392,961	1	3¼
.........Loans to the Emperor of Germany, payable in Ditto.........	7,502,633	6	8	225,079	0	0	230,000	0	0	3,852	10	6	36,693	0	0	495,624	10	6
.........Ditto to Prince Regent of Portugal, payable in Ditto	895,522	7	9	26,865	13	5¼	-	-	-	159	7	10	30,000	0	0	57,025	1	3¼
	838,169,748	1	11¾	28,613,726	14	9¾	1,662,834	1	1¾	278,189	2	3	11,651,468	6	3¼	42,206,218	4	5¾
In the Names of the Commissioners for the Reduction of the Debt..............	61,954,855	12	11	1,859,268	17	4¼	509	14	4	-	-	-	1,859,778	11	8¼	—		
	776,214,892	9	0¾	26,754,457	17	5½	1,662,324	6	9¾	278,189	2	3	13,511,246	17	11½	42,206,218	4	5¾
Transferred to the Commissioners by Purchasers of Life Annuities, pursuant to Act 48 Geo. 3, cap. 142......	3,449,955	0	0	103,498	13	0	4,420	0	0	-	-	-	107,918	13	0	—		
Total Charge for Debt payable in Great Britain .... £.	772,764,937	9	0¾	26,650,959	4	5½	1,657,904	6	9¾	278,189	2	3	13,619,165	10	11½	42,206,218	4	5¾
Add Annuities payable at the Exchequer, Unclaimed for three years, at 5th Jan. 1817	-	-	-	-	-	-	-	-	-	-	-	-	28,838	7	0			
													13,648,003	17	11½			
Deduct Life Annuities payable at the Bank of England	-	-	-	-	-	-	-	-	-	-	-	-	225,254	13	0			
Amount applicable to the Reduction of the Debt payable in Great Britain ...	-	-	-	-	-	-	-	-	-	-	-	-	13,422,749	4	11½			

EXCHEQUER,
18th of March 1817.

WM. ROSE HAWORTH.

REDEMPTION OF THE PUBLIC FUNDED DEBT.

An Account of the Progress made in the Redemption of the PUBLIC FUNDED DEBT *of* GREAT BRITAIN, *at 1st February* 1817.

FUNDS.	CAPITALS.			Long Annuities at the Bank of England.			Transferred to, or Redeemed by the Commissioners, from 1st August 1786 to 1st Feb. 1817.			TOTAL SUMS Paid.			Average Price of Stocks.
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	
Consolidated £ 3 per Cent. Annuities	448,297,588	4	5¼	-	-	-	86,464,495	0	0	53,933,207	5	3	62⅜
Reduced .... Ditto	303,138,022	0	1	-	-	-	185,673,777	0	0	114,746,273	0	1	61⅞
Old South Sea Annuities New...Ditto......Ditto	24,065,084	13	11½	-	-	-	10,600,000	0	0	7,243,834	8	9	58½
£.3 per Cents. Anno 1751	1,919,600	0	0	-	-	-	1,039,000	0	0	728,860	10	0	70⅛
Consolidated £.4 per Cent. Annuities	76,777,744	2	2	-	-	-	7,796,400	0	0	6,586,934	8	9	84½
Ditto......... £.5 Ditto ...... Ditto	132,820,057	9	7	-	-	-	145,500	0	0	130,113	7	6	89⅜
£.5 per Cent. Annuities, Annis 1797 and 1802	1,063,798	0	8	-	-	-	—			—			
£.3 per Cent. Ditto......... Anno 1726	1,000,000	0	0	-	-	-	—			—			
Ditto .... Bank Annuities	14,686,800	0	0	-	-	-	—			—			
				1,229,852	12	0½	291,719,172	0	0	183,369,223	0	4	
Capitals transferred to the Commissioners, the Dividends on which have not been claimed for 10 years and upwards, and which are subject to the Claims of the Parties entitled thereto	-	-	-	-	-	-	539,258	9	11				
	1,003,768,694	10	10¾	1,229,852	12	0½	292,258,430	9	11				
Transferred to Commissioners, on account of Land Tax Redeemed, at 1st February 1817	25,290,994	3	4	—									
	978,477,700	7	6¾	—									
......Ditto......for purchase of Life Annuities, per Act 48 Geo. 3	3,449,955	0	0	4,420	0	0							
	975,027,745	7	6¾	1,225,432	12	0½							
Redeemed by the Commissioners	292,258,430	9	11	471	6	8							
Debt Unredeemed at 1st February 1817	682,769,314	17	7¾	1,224,961	5	4½							

SUMS Annually applicable to the Reduction of the NATIONAL DEBT.

				£.	s.	d.
Annual Charge, per Act 26 Geo. 3				1,000,000	0	0
...... 42				200,000	0	0
Ditto...... per Act 55, being £.1 per Cent. on Outstanding and Exchequer Bills, unprovided for at 5th January 1816				260,000	0	0
Annuities for 99 and 96 Years, Expired 1792				54,880	14	6
Ditto ...... 10 Years...... Anno 1787				25,000	0	0
Life Annuities Unclaimed for Three Years, at 5th January 1817				28,838	7	0
Ditto......of which the Nominees shall have died prior to 5th July 1802......				21,431	6	1
Dividend on £.271,907,881. at £.3 per Cent.				8,157,236	8	7
...... £.7,796,400. ...... £.4 Ditto				311,856	0	0
...... £.145,300. ...... £.5 Ditto				7,275	0	0
Annuity of £.1 per Cent. on Capitals created from 1st February 1793 to 1812, both inclusive				5,601,053	9	10
Dividend on £.3,449,955. £.3 per Cents. transferred to purchase Life Annuities				103,498	13	0
Dividend on £.4,420. Long Annuities, for Ditto				4,420	0	0
The Proportion of Sinking Fund on Loan raised and Bills funded, Anno 1815, to be borne by Consolidated Fund				543,494	6	11½
				16,319,034	5	11½
Annual Appropriation on £.12,000,000. part of £.14,290,000. Loan 1807, 47 Geo. 3, cap. 55				626,255	10	5
Annual Interest on £.11,869,391. Capital, purchased by the Commissioners at £.3 per Cent. on account of Ditto				356,081	14	7
				17,301,371	10	11½
Interest on £.212,258. 9. 11. Capital unclaimed, on account of Great Britain ...				6,920	19	2½
Long Annuities unclaimed, Ditto				471	6	8
Interest on £.327,000. Reduced Annuities, purchased with Unclaimed Dividends				9,810	0	0
				17,318,573	16	10
Chargeable on Sinking Fund:						
Life Annuities	£. 225,254	13	0			
Loans and Bills, funded from 1813 to 1815 inclusive	7,632,969	14	9½			
	7,858,224	17	9¼			
Deduct for Sinking Fund for said Loans and Bills	2,213,024	18	10½	5,645,199	8	10¼
Actual Sinking Fund of Great Britain......				11,673,374	7	11¼

ANNUITIES fallen in since 22d June 1802, or that will fall in hereafter.

	£.	s.	d.
Exchequer Annuities 2d & 3d Anne; Expired 5 April 1803 ...	23,369	13	4
Ditto......Ditto...5 Jan. 1805 ..	7,030	6	8
Ditto, 4 Anne ......Ditto...5 April	23,254	11	6
Ditto, 5 Ditto......Ditto...... 1806 ...	7,776	10	0
Ditto, 6 Ditto......Ditto...... 1807 ...	4,710	10	0
Ditto......Ditto...5 July......	10,180	0	0
Bank Short Anns....Ditto...5 Jan. 1808 ...	418,333	0	11
Ditto Long Ditto ...will expire 5 Jan. 1860	1,929,852	12	0½

By an Act of 42d Geo. 3, cap. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt.

An Account of the Progress made in the Redemption of the PUBLIC DEBT *of* IRELAND, *Funded in* GREAT BRITAIN, *at 1st February* 1817.

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners from 1st August 1786 to 1st Feb. 1817.	TOTAL SUMS Paid.	Average Price of Stock.	SUMS Annually applicable to the Reduction of the DEBT.		ANNUITIES fallen in since 22d June 1802, or that will fall in hereafter.
	£. s. d.	£. s. d.	£. s.	£. s. d.			£. s. d.	
Consol. £.3 per Cent. Anns.	42,087,625 0 0	- - -	9,267,670 0	5,769,056 2 8	62¼	Annuity at £.1 per Cent. on Capitals created from 1797 to 1815, both inclusive...	1,039,584 19 9¾	Bank Long Annuities will expire 5th Jan. 1860:
Reduced .....Ditto...........	52,768,750 0 0	- - -	9,820,176 0	6,104,433 14 2	62⅛			
Consolidated £.4 per Cents.	5,954,375 0 0	—	—	—	—	Dividend on £.19,087,846. £.3 per Cents.	572,635 7 7	£.129,583. 6. 8.
Ditto .... £.5 Ditto......	2,222,000 0 0	—	—	—	—			
	103,032,750 0 0	- - -	19,087,846 0	11,873,489 16 10			1,612,220 7 4¾	
Redeemed by the Commrs.	19,087,846 0 0							
Debt Unredeemed at 1st February 1817............	83,944,904 0 0							

Progress made in the Redemption of the IMPERIAL DEBT, *at 1st February* 1817.

Imperial £.3 per Ct. Anns.	7,502,633 6 8	230,000 0 0	1,920,316 0	1,160,976 5 6	60½	Annuity at £.1 per Ct. on Capitals created by Loan 1797	36,693 0 0	Imperial Annuities, will expire 1st May 1819:
Redeemed by the Commrs.	1,920,716 3 0	38 7 8	—			Div. on £.1,920,316, 3-p.-Cts.	57,609 9 7	
Dividends unclaimed for 10 years and upwards.........	- - -	- - -	400 3			Ditto £.400. 3. Unclaimed Capital, 3-per-Cents...... ...	12 0 1	£.94,352. 17. 4.
Debt Unredeemed at 1st February 1817............	5,581,917 3 8	229,961 12 4	1,920,716 3			Ditto Imperial Anns. for 25 yrs.	38 7 8	
							94,352 17 4	

Progress made in the Redemption of the DEBT *of* PORTUGAL, *at 1st February* 1817.

Reduced £.3 per Ct. Anns.	895,522 7 9	- - -	426,721 0 0	266,292 2 3	62⅜	Annual Appropriation	30,000 0 0
Redeemed by the Commrs.	426,721 0 0					Div. on £.426,721, 3-per-Cts.	12,801 12 7
Debt Unredeemed at 1st February 1817............	468,801 7 9						42,801 12 7

EXCHEQUER,
the 18th day of March 1817.

WM. ROSE HAWORTH.

S. HIGHAM.

VII.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT *and* DEMANDS OUTSTANDING *on the 5th day of January* 1817.

		£.	s.	d.	AMOUNT OUTSTANDING. £.	s.	d.
EXCHEQUER:							
Exchequer Bills ...	Provided for	11,650,300	0	0			
	Unprovided for	33,000,000	0	0			
					44,650,300	0	0
TREASURY:							
Miscellaneous Services		1,487,743	7	7¼			
Warrants for Army Services		476,888	7	4½			
Treasury Bills		536,171	0	0			
					2,500,802	14	11¾
ARMY					731,651	12	8
BARRACKS					36,961	19	1
ORDNANCE					391,641	3	3
NAVY					1,735,731	3	1
					50,047,088	13	0¾

VIII.—DISPOSITION OF GRANTS.

An Account, showing how the MONIES, *given for the* SERVICE *of the Year* 1816, *have been Disposed of; distinguished under their several Heads; so far as relates to* GREAT BRITAIN.

SERVICES.	£.	s.	d.	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
NAVY				9,964,195	11	7	8,716,948	19	7¼
ORDNANCE				1,613,142	19	1	1,011,879	19	9
FORCES	£.12,044,333	18	8						
Whereof was granted on account of Ireland	2,287,116	16	1						
On account of Great Britain	9,757,217	2	7						
Deduct on account of Troops in France	1,234,596	13	6						
				8,522,620	9	1	5,666,465	0	4¾
Amount of Supplies for the Army, Navy, and Ordnance...				20,099,958	19	9			
Deduct also Surplus of Grants 1815, which are included in the Disposition Paper of that Year, and voted as part of the Ways and Means 1816.........	£.5,663,755	0	0						
Whereof was applied in diminution of the Navy Debt, beyond the Amount stated to Parliament in an Account presented 24th May 1816	959,090	0	0						
				4,704,665	0	0			
				15,395,293	19	9	15,395,293	19	9
To be paid to the Portuguese Government, in pursuance of a Convention signed at Vienna on the 21st Jan. 1815......				300,000	0	0	- - - -		* †

(continued)

---

* This mark † is to designate that the whole of the Sums Voted or Granted, has not been Paid.

Services—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
For defraying the Charge of the Civil Establishments undermentioned; viz.	£.	s.	d.	£.	s.	d.
Of the Bahama Islands, in addition to the Salaries now paid to the Public Officers out of the Duty Fund, and the incidental Charges attending the same; from the 1st day of January to the 31st day of December 1816	3,301	10	0	3,301	10	0
Ditto of the Bermudas or Somers Islands.................. } from Ditto to Ditto	1,023	0	0	393	8	8½†
Ditto......Dominica .... from Ditto to Ditto	600	0	0	241	3	2¼†
Ditto......Upper Canada.............. from Ditto to Ditto	10,865	0	0	6,000	0	0 †
Ditto......Nova Scotia .... from Ditto to Ditto	13,440	0	0	13,440	0	0
Ditto......New Brunswick............ from Ditto to Ditto	6,196	10	0	3,500	0	0 †
Ditto......Cape Breton................ from Ditto to Ditto	2,194	0	0	1,500	0	0 †
Ditto......St. John (now called Prince Edward Island) } from Ditto to Ditto	3,826	0	0	2,826	0	0 †
Ditto......Newfoundland .... from Ditto to Ditto	5,485	0	0	5,485	0	0
Ditto......New South Wales.......... from Ditto to Ditto	12,423	10	0	12,423	10	0
Ditto......Sierra Leone............... from Ditto to Ditto	15,660	0	0	8,500	0	0 †
For discharging Interest on Exchequer Bills	2,000,000	0	0	2,000,000	0	0
One hundredth part of the Sum of Twenty-six Millions of Exchequer Bills, authorized in the last Session of Parliament to be issued and charged upon the Aids granted in the present Session; to be issued and paid by equal Quarterly Payments to the Governor and Company of the Bank of England, to be by them placed to the Account of the Commissioners for the Reduction of the National Debt; for the Year ending the 1st of February 1817	260,000	0	0	260,000	0	0
For defraying the Charge of the Royal Military Asylum at Chelsea, from the 25th Dec. 1815 to the 24th Dec. 1816...	39,185	17	2	36,307	2	4½†
For defraying the Charge of the Royal Military College; for the same time	33,819	17	2	33,819	17	2
Towards making good any Deficiency or Loss that may arise from the Recoinage of the Silver Coin of this Realm, and the Charges and Expenses of melting down, casting, assaying, and recoining the same, and all other Expenses incident thereto	500,000	0	0	500,000	0	0
To defray the probable Amount of Bills drawn or to be drawn from New South Wales; for the Year 1816	80,000	0	0	80,000	0	0
To defray the Expense attending the confining, maintaining, and employing Convicts at Home; for the Year 1816	75,217	0	0	69,600	0	0 †
For defraying the Charge of the Superintendance of Aliens; for the Year 1816..	4,895	6	0	3,669	0	0 †
To defray the Expense of Law Charges; for the Year 1816 ..	10,000	0	0	5,000	0	0 †
For defraying the extraordinary Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for the Year 1816..	4,000	0	0	3,051	18	10 †
To defray the Supplemental Charge for printing Bills, Reports, and other Papers, by Order of the House of Commons; for the Session 1812-13	6,071	19	8	6,071	19	8
To make good the Deficiency of the Grant of the last Session of Parliament, for defraying the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the Session 1815	5,128	10	6	5,128	10	6
To defray the Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the present Session of Parliament	16,000	0	0	16,000	0	0
To defray the Expense of printing the Votes of the House of Commons, during the present Session of Parliament	2,500	0	0	2,217	9	4 †
To make good the Deficiency of the Grant 1815, for printing 1,750 Copies of the 68th Volume of the Journals of the House of Commons	891	3	11	891	3	11
To defray the Expense that may be incurred in 1816, for printing 1,750 Copies of the 69th Volume of Ditto...........	2,500	0	0	2,500	0	0
To defray the Expense that may be incurred towards reprinting Journals and Reports of the House of Commons, in the Year 1816	6,000	0	0	-	-	- †

(continued)

Services—continued.	Sums Voted or Granted.			Sums Paid.		
	£.	s.	d.	£.	s.	d.
To defray the Charge for printing Acts of Parliament for the Two Houses of Parliament; for the Sheriffs, Clerks of the Peace, and Chief Magistrates, throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidences, and other Papers and Accounts, for the House of Lords; for the Year 1816	19,000	0	0	14,000	0	0 †
To make good the Deficiency of the Grant in the last Session, for Ditto.........Ditto.........Ditto	3,015	18	4½	3,015	18	4½
To make good the Deficiency of the Grant for the Year 1815, for reprinting Journals and Reports of the House of Commons	3,208	12	10½	3,208	12	10½
To replace to the Civil List, Sums become chargeable thereon or issued thereout, since the 5th January 1816, in respect of those Services which, in pursuance of the measures now before Parliament in regard to the Civil List, are hereafter to be otherwise provided for.....................................	185,000	0	0	185,000	0	0
To enable his Majesty to provide for such Expenses of a Civil Nature as do not form a part of the Ordinary Charges of the Civil List	300,000	0	0	299,538	14	9½
For Foreign and other Secret Services; for the Year 1816 ...	50,000	0	0	-	-	- †
The following SERVICES are directed to be paid, without any Fee or other Deduction whatsoever:						
For defraying the Expense of making Preparations for the Marriage of her Royal Highness the Princess Charlotte Augusta with his Serene Highness Leopold George Frederick Prince of Cobourg of Saalfield, &c. &c. &c.	60,000	0	0	60,000	0	0
For paying off and discharging, on the 5th April 1816, certain Annuities granted by two Acts of the 37th and 42d of his present Majesty ....£.174,681 2 6						
For Ditto......Ditto......on the 10th October 1816......Ditto......Ditto...... .... 43,151 2 0						
	217,832	4	6	217,832	4	6
For paying off and discharging, on the 5th April 1816, the Debentures raised in pursuance of two Acts of the 53d year of his present Majesty, for granting Annuities to satisfy certain Exchequer Bills, and for raising Money by Debentures for the Service of Great Britain..............................	787,400	0	0	787,400	0	0
To pay One Half-year's Interest, to the 5th April 1816, on Ditto......Ditto.........Ditto............ which have not been funded or paid off	19,685	0	0	19,685	0	0
To enable his Majesty to pay the same to the United Company of Merchants of England trading to the East Indies, towards defraying the Expenses incurred by them in the Public Service	945,491	13	4	945,491	13	4
For defraying the Expense of the building of a Penitentiary House at Milbank; for the Year 1816	42,000	0	0	37,839	11	8½†
To grant Relief to such of the suffering Clergy and Laity of France, Toulonese and Corsican Emigrants, Saint Domingo Sufferers, and Dutch Naval Officers, who have heretofore received Allowances from his Majesty, and who from Services performed, or Losses sustained in the British Service, have special Claims upon his Majesty's Justice or Liberality; and also for the advance of certain Allowances to such of the suffering Clergy and Laity of France who have not been enabled to return to their own Country	40,000	0	0	38,040	5	6 †
For the purchase of the Elgin Marbles	35,000	0	0	35,000	0	0
To defray the Expenses of Building and Repairs at the New Mint; for the Year 1816	13,830	0	0	13,830	0	0
To defray the Charge of the Superannuation Allowance or Compensation to retired Officers formerly employed in his Majesty's Mint; for the Year 1816..................	680	0	0	680	0	0
To Ditto......Ditto......... to retired Clerks and other Officers formerly employed in the Office of the Commissioners for auditing the Public Accounts; for the Year 1816............	1,850	0	0	1,850	0	0

(continued)

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*
To defray the Charge of the Superannuation Allowance to Joseph Planta, Esq. formerly one of the Paymasters of Exchequer Bills; for the Year 1816	266	13	4	266	13	4
To Ditto......Ditto.........to retired Clerks and other Officers, formerly employed in the Lottery Office; for the Year 1816	299	0	0	299	0	0
For the Relief of American Loyalists; for the Year 1816......	15,000	0	0	9,000	0	0 †
To defray the Expense of the National Vaccine Establishment; for the Year 1816	3,000	0	0	3,000	0	0
To be applied towards the Repairs of Henry the Seventh's Chapel; for the Year 1816	2,955	4	0	2,955	4	0
To be distributed to the Officers, Petty Officers, Seamen and Marines, serving under the Command of Admiral Lord Keith, while Commander in Chief on the Coasts of Spain and France, for Captures taken from the Enemy, and appropriated to the Public Service	116,450	0	0	-	-	- †
To be distributed to the Officers, Petty Officers, Seamen and Marines, under the Command of Captain Robert Campbell, at the Capture of Naples, on the 13th day of May 1815, for Ships and Stores then taken from the Enemy, and restored to the Neapolitan Government	150,000	0	0	150,000	0	0
To enable his Majesty to pay the same to the Governors of the Bounty of Queen Anne, for the augmentation of the Maintenance of the Poor Clergy, according to the Rules and Regulations by which the Funds of that Corporation are governed	100,000	0	0	100,000	0	0
For enabling the Trustees of the British Museum to carry on the Trusts reposed in them by Parliament	10,253	19	6	10,253	19	6
To defray the Expense of removing the Elgin Marbles to the British Museum	800	0	0	800	0	0
For erecting a temporary Building at the British Museum, for the reception of the Elgin Marbles	1,700	0	0	1,700	0	0
To be applied in further execution of an Act of the 43d year of his present Majesty, towards making Roads and building Bridges in the Highlands of Scotland	20,000	0	0	10,000	0	0 †
Towards defraying the Expense of making an Inland Navigation from the Eastern to the Western Sea, by Inverness and Fort William; for the Year 1816	75,000	0	0	25,000	0	0 †
To defray the Expense of the Establishment of the Penitentiary House; from the 24th of June 1816 to the 24th of June 1817	7,500	0	0	5,500	0	0 †
Towards defraying the Expense of the building of a Penitentiary House at Millbank, and for providing Furniture for the Apartments of the Officers of the Establishment; for the Year 1816	5,000	0	0	-	-	- †
For defraying the Expense of completing the Embanking the River Thames in front of the Penitentiary House at Millbank; for the Year 1816	2,583	0	0	2,583	0	0
For defraying the Expense of maintaining and repairing the British Forts on the Coast of Africa; for the Year 1816	23,000	0	0	23,000	0	0
For defraying the Expense of Works required to be done at the King's Bench Prison	3,764	5	0	-	-	- †
To be applied in repairing the Roads between London and Holyhead, by Chester and London, and Bangor Ferry by Shrewsbury; for the Year 1816	10,000	0	0	10,000	0	0
For carrying on, in the Year 1816, the Improvements of Holyhead Harbour	16,490	0	0	5,000	0	0 †
To be applied towards the erection of an Asylum for the reception of Criminal Lunatics, and for the maintenance and government of such Criminal Lunatics	8,424	15	0	5,344	15	0 †
As a Remuneration to Mr. Aaron Graham, for the various Services he performed beyond those of Inspector of Convict Hulks	3,000	0	0	3,000	0	0
For the Expense of Works carrying on at the College of Edinburgh; in the Year 1816	10,000	0	0	10,000	0	0
For the Board of Agriculture; for the Year 1816	3,000	0	0	3,000	0	0
For carrying on the Improvements in Westminster	5,000	0	0	5,000	0	0
To defray the Charge of certain Repairs and Alterations at the Royal Military Asylum at Chelsea	2,181	0	0	2,181	0	0

(continued)

Services—*continued.*	Sums Voted or Granted. £.	s.	d.	Sums Paid. £.	s.	d.
For defraying the Charges and Expenses of preparing and drawing the Lotteries 1816; and for taking in Tickets, and making out Certificates in lieu thereof	15,250	0	0	8,000	0	0 †
	22,151,429	10	1	21,535,457	6	4¼ †

† The Total Remaining to be paid is £.615,972. 3. 8¾.

PAYMENTS FOR OTHER SERVICES,

Not being Part of the Supplies granted for the Service of the Year:

	£.	s.	d.
James Fisher, Esq. on his Salary for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, cap. 1	500	0	0
Bank of England, for Management on Life Annuities	919	8	4¼
Expenses in the Office of the Commissioners for Reducing the National Debt	4,000	0	0
Ditto.........Ditto... .....for the Redemption of the Land Tax	2,534	11	0
Bank of England, for Discount on Lotteries	Nil.		
......Ditto .... for receiving Contributions to Lotteries	2,000	0	0
Remuneration to Officers of the Exchequer, for making out Debentures	500	0	0
To pay Interest on Exchequer Bills, per Act 55 Geo. 3, cap. 4	30,000	0	0
Ditto.............Ditto.................... per Act 55 Geo. 3, cap. 196	101,778	15	2
	142,232	14	6¼

WAYS AND MEANS for answering the aforegoing SERVICES.

	£.	s.	d.
Duty on Malt, Sugar, Tobacco, and Snuff, and on Pensions, Offices, &c. continued	3,000,000	0	0
Surplus Consolidated Fund	3,000,000	0	0
War Taxes of Excise	3,500,000	0	0
Bank Advance on Bills	6,000,000	0	0
Bank Advance for Increase of their Capital	3,000,000	0	0
Profits of Lotteries	168,459	8	10¾
Monies arisen from the Sale of old Naval and Victualling Stores, including £.79,988, 16, 6, to be accounted for to Ireland, being the Irish proportion thereof	679,905	0	0
Unclaimed Dividends, &c. after deducting Repayments to the Bank for deficiencies of Balance in their hands	97,331	9	4
Money remaining in the Exchequer on the 5th day of January 1816, for payment of certain Annuities for Terms of Years, which expired Annis 1792, 1805, 1806, and 1807	13,205	5	3½
Money remaining in the Exchequer on the 5th day of July 1815, and charged upon the Consolidated Fund, for Services which cannot now be claimed	6,326	0	9¼
Money remaining in the Exchequer on the 5th day of January 1816, on the Funds for payment of Annuities on Lives, granted Annis 1745, 1746, 1757, 1778, and 1779, on which the Lives have expired since the 5th day of January 1802	72,973	15	3
Money paid by the Receivers General of the Land Tax into the Bank of England, on account of the Paymaster General of his Majesty's Forces, in pursuance of an Act of the 37th of his present Majesty, for raising Men for the Army and Navy	6,545	5	4
Money remaining in the Exchequer, which has been issued to sundry Persons prior to the 5th day of January 1810, and which not having been paid, remains as Out-Cash in the Chests of the four Tellers of the Exchequer	43,247	3	11½
Interest on Land Tax redeemed by Money	241	12	11¼
Residue of £.24,000,000 Exchequer Bills, charged on Aids 1817, after reserving £.23,024,100 to pay off that Amount charged on Aids 1816	975,900	0	0
	20,564,135	1	9¼

	£.	s.	d.
Sums granted, as per preceding Account	22,151,429	10	1
Paid for Services not voted	142,232	14	6¼
	22,293,662	4	7¼
Amount of Ways and Means, as above	20,564,135	1	9¼
Deficiency of Ways and Means	1,729,527	2	10

I.—PUBLIC INCOME OF IRELAND:

FOR THE YEAR ENDED FIFTH JANUARY 1817.

An Account of the ORDINARY REVENUE *and* EXTRAORDINARY RESOURCES, *constituting the* PUBLIC INCOME *of* IRELAND.

HEADS OF REVENUE.	GROSS RECEIPT. Total Receipt to be accounted for.			Drawbacks, Discounts, Charges of Management, paid out of the Gross Revenue.			NET PRODUCE applicable to National Objects, and the Payments into the Exchequer.		
Ordinary Revenue.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS	2,194,714	17	11⅞	517,396	0	6	1,677,318	17	5⅞
EXCISE	4,071,344	18	2⅞	642,870	10	11½	3,428,474	7	3⅜
STAMPS	755,604	18	6	70,049	2	9	685,555	15	9
POST OFFICE	260,039	1	0¾	150,242	11	5¼	109,796	9	7½
POUNDAGE FEES	6,120	2	5¼	-	-	-	6,120	2	5¼
PELLS FEES	1,224	0	6¼	-	-	-	1,224	0	6¼
CASUALTIES	3,233	17	4	-	-	-	3,233	17	4
Total Ordinary Revenue	7,292,281	16	1	1,380,558	5	7¾	5,911,723	10	5¼
Extraordinary Resources.									
From the Commissioners of the Navy in Great Britain, on account of Advances made by several Collectors in Ireland, for Seamen's Wages	98,708	3	9	-	-	-	98,708	3	9
From the Paymaster General of Great Britain, on account of Advances made by several Collectors in Ireland, for Half-pay to reduced Officers, Pensions to Officers' Widows, &c. on the British Establishment	15,583	16	4¼	-	-	-	15,583	16	4¼
From Great Britain, being One-third of the Profit on Lotteries for 1815 and 1816	180,615	14	9½	-	-	-	180,615	14	9½
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury for improving Post Roads in Ireland	46,110	18	11	-	-	-	46,110	18	11
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury for building Gaols	12,376	14	4	-	-	-	12,376	14	4
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury under the Police Act of 54 Geo. 3	5,867	18	1½	-	-	-	5,867	18	1½
Other Monies paid to the Public	29,779	17	2	-	-	-	29,779	17	2
Total, independent of the Loans	7,681,324	19	6¼	1,380,558	5	7¾	6,300,766	13	10½
LOANS paid into the Exchequer, in the Year ended the 5th January 1817	2,759,422	6	3¾	-	-	-	2,759,422	6	3¾
Total, including Loans	10,440,747	5	10	1,380,558	5	7¾	9,060,189	0	2¼
Appropriated Duties for Local Objects:									
Linen Manufacture	55	3	8	-	-	-	55	3	8
Improvement of Dublin	12,552	2	8	-	-	-	12,552	2	8
Repairs of the Royal Exchange and Commercial Buildings	1,937	2	8	-	-	-	1,937	2	8
Lagan Navigation	5,474	2	5¼	3,208	8	5	2,265	14	0¼
Inns of Court	1,880	13	4	-	-	-	1,880	13	4
Light-Houses	25,530	13	9½	83	4	4	25,447	9	5½
Dunleary Harbour	4,019	9	8	-	-	-	4,019	9	8
Waterford Harbour	824	13	3	-	-	-	824	13	3
Total Appropriated Duties for Local Objects	52,274	1	5¾	3,291	12	9	48,982	8	8¾
GRAND TOTAL £.	10,493,021	7	3¾	1,383,849	18	4¾	9,109,171	8	11

II.—CONSOLIDATED FUND OF IRELAND.

An Account of the CONSOLIDATED FUND *of* IRELAND, *for the Year ended the 5th of January* 1817.

	INCOME. £.	s.	d.
Balance on the Consolidated Fund remaining in the Exchequer, on the 5th January 1816	1,448,086	11	11½
Customs and Excise Duties, including Quit Rents, Casual Revenue, and Payments on account of dismissed and deceased Collectors	3,925,978	10	9¼
Stamp Duties	544,315	6	4½
Post Office Revenue	78,000	0	0
Poundage Fee	6,120	2	5¼
Pells Fee	1,224	0	6¼
	6,003,724	12	0¾
Repayments from Great Britain, for Advances for Seamens Wages, Half-pay to reduced Officers, Pensions to Officers Widows, &c. on the British Establishment	114,292	0	1¼
On account of Advances made for improving Post Roads, building Gaols, and under the Police Act	61,140	6	10½
Other Monies paid to the Public	29,779	17	2
EXTRAORDINARY RESOURCES:			
On account of Loans	2,759,422	6	3¾
On Exchequer Bills	5,511,666	13	4
From Great Britain, being One-third Part of the Profit on Lotteries in 1815 and 1816	180,615	14	9½
	14,660,641	10	7¾

	ACTUAL PAYMENTS. £.	s.	d.	CHARGE. £.	s.	d.
Interest on Funded Debt, including Annuities and Management	5,301,852	1	2½	5,301,852	1	2½
Interest on Unfunded Debt	126,500	0	0	153,596	9	7
Sinking Fund and Management	1,562,341	11	10	1,682,209	4	6½
Principal of Debentures	-	-	-	2,225	0	0
Principal of Exchequer	2,470,550	0	0	2,470,958	6	8
Lottery Prizes	110	0	0	25,693	0	0
Discount on prompt Payment of Loan Deposits, &c.	14,243	18	3¾	14,243	18	3¾
Improving Post Roads	39,289	0	6½	39,289	0	6½
On account of Balance due by Ireland on joint Expenditure of the United Kingdom, to the 5th Jan. 1816	1,282,676	17	5½	3,187,469	11	2½
	10,797,563	9	4¼	12,877,536	12	0¾
Inland Navigations	20,154	12	9¼	Unascertained.		
Board of First Fruits	6,500	0	0			
Depôt Barrack at Cork, part of £.3,323, granted 1815	2,000	0	0			
Record Repository, part of £.16,364, granted 1814	3,238	18	5½			
Ardglass Harbour, in further part of £.3,190. 14s. granted 1814	103	17	1			
Dunleary Harbour, advanced pursuant to 56 Geo. 3, ch. 62	30,000	0	0			
Civil List	217,878	9	7			
Pensions to the 25th March 1813	75	0	0			
Permanent Parliament Payments	366,113	5	10½			
Grants for Military Purposes	2,508,827	15	4¾			
Vote of Credit, Arrear of 1815	20,261	9	9¼			
Grants for Civil Purposes	560,629	0	2¾			
	14,533,345	18	6¼	Unascertained.		
SURPLUS of the Consolidated Fund, on 5th Jan. 1817	127,295	12	1½			
	14,660,641	10	7¾			

III.—ARREARS AND BALANCES.

	£.	s.	d.
Balances due on the 5th of January 1817, from the Collectors of Customs	14,051	14	9
..............Ditto .... Ditto .... of Excise.........	196,764	0	6
Tax Collectors Balances	82,463	5	2
Post Office	31,796	9	7

IV.—TRADE AND NAVIGATION.

An Account of the Value of all IMPORTS *into, and all* EXPORTS *from,* IRELAND, *for Three Years, ending 5th January* 1817.

	OFFICIAL VALUE OF IMPORTS.			OFFICIAL VALUE OF Irish Produce and Manufactures Exported.			OFFICIAL VALUE OF Foreign and Colonial Merchandize Exported.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Year ending 5th January 1815	7,245,043	2	11½	6,558,103	19	4¾	581,332	13	3¼
5th January 1816	6,106,877	12	5½	6,742,905	5	2	333,217	17	9½
5th January 1817	5,084,890	13	2½	6,455,943	5	2	247,856	12	11

Note.—The real Value of Irish Produce and Manufactures Exported in the Year ending 5th Jan. 1817, computed at the Average Prices current, amounted to ....£.9,111,766. 6. 9½.

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *that were Built and Registered in the several Ports of* IRELAND, *in the Three Years ending 5th January* 1817; *distinguishing each Year.*

	VESSELS.	TONNAGE.
Year ending 5th January 1815..................	46	1,973
1816..................	36	1,922
1817..................	41	1,985

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *and Number of* MEN *and* BOYS *usually employed in Navigating the same, which belonged to the several Ports of* IRELAND *on the 30th September* 1816.

VESSELS.	TONS.	MEN and BOYS.
1,178	63,229	5,681

An Account of the Number of VESSELS, *with the Amount of their* TONNAGE, *and the Number of* MEN *and* BOYS *employed in Navigating the same (including their repeated Voyages) that entered* INWARDS *and cleared* OUTWARDS, *in the several Ports of* IRELAND, *from or to all Parts of the World, in the Three Years ending 5th Jan.* 1817.

	INWARDS.								
	IRISH.			BRITISH.			FOREIGN.		
	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.
Years ending 5th January 1815	2,066	142,690	9,282	7,880	707,232	40,379	296	54,755	2,990
1816	2,314	157,283	10,175	7,984	693,107	39,921	501	92,474	5,037
1817	2,016	143,637	9,377	7,864	690,165	39,696	323	68,674	3,441
	OUTWARDS.								
Years ending 5th January 1815	1,937	139,502	9,118	7,690	693,422	40,130	274	50,708	2,617
1816	2,187	153,354	9,917	7,782	684,179	39,259	514	98,115	5,007
1817	1,931	139,827	9,058	7,200	641,205	36,480	350	75,546	3,633

V.—PUBLIC EXPENDITURE OF IRELAND:

IN THE YEAR ENDED FIFTH JANUARY 1817.

	£.	s.	d.	£.	s.	d.	£.	s.	d.
I. For Interest on the Funded Debt of Ireland, including Annuities for Lives and Terms of Years; also £.1 per Cent. for the Reduction of the Capital, created by Loans since 1797 (A. 1. & 2.)	6,766,239	6	4½						
For Charge of Management thereon...	-	-	-	30,305	5	8			
There was applied towards the Reduction of the National Debt...........	67,649	1	0						
	6,833,888	7	4½						
Whereof was applied towards the Reduction of the National Debt	2,434,427	13	1¾						
Total on account of Interest	4,399,460	14	2¾						
Ditto for Charge of Management ...	30,305	5	8						
Ditto on account of the Reduction of the National Debt	2,434,427	13	1¾						
				-	-	-	6,864,193	13	0½
II. For Interest on Exchequer Bills (B.).........................				-	-	-	126,500	0	0
III. Issues for the separate Service of Ireland (C.)				-	-	-	3,836,869	16	3¾
IV. Issues from Appropriated Funds for Local Purposes (D.)				-	-	-	43,690	12	2½
V. Civil List				217,878	9	7			
V. Pensions to the 25th March 1813				75	0	0			
V. Other Permanent Charges (E.)				366,113	5	10½			
							584,066	15	5½
VI. Payments in Anticipation of Exchequer Receipts; (F. 1. & 2.)—viz.									
Bounties from Customs	27,625	13	9						
Bounties from Excise	465	16	8						
				28,091	10	5			
Militia, Deserters Warrants, &c. from Excise ...				7,432	5	2½			
							35,523	15	7½
VII. Ordnance (G.)				-	-	-	140,000	0	0
VIII. Army.—Ordinary Services, (H.)—viz.									
Regulars, Militia, and Volunteer Corps, &c.......				1,398,681	3	11½			
Commissariat Establishment				206,052	8	3¼			
Barracks				193,577	15	5½			
Staff Officers and Officers of Garrisons				71,205	4	1¾			
Half-pay, Supernumerary, and Retired Officers...				41,135	17	8			
Officers Widows				16,723	5	1½			
Royal Hospital, Kilmainham				121,045	4	5¼			
Public Officers, their Deputies, Clerks, and contingent Expenses				10,785	1	9½			
Superannuated Officers................................				5,306	15	11¼			
Disembodied Militia..................................				108,130	0	0			
				2,172,640	16	9½			
Extraordinary Services				196,186	18	7¼			
							2,368,827	15	4¾
IX. Miscellaneous Services (I.)							592,626	8	6½
Lastly, Vote of Credit, Arrear of 1815 (K.)							20,261	9	9¼
							14,612,560	6	4¼

(A 1.)—MONIES *paid out of the Receipt of the Exchequer, in the Year ending the 5th Jan.* 1817, *towards defraying the Charge of the* PUBLIC FUNDED DEBT *of* IRELAND.

	Interest and Annuities for Lives and Terms of Years, &c.			Charges of Management.		
	£.	s.	d.	£.	s.	d.
Interest on the Public Funded Debt of Ireland - - -	6,766,239	6	4½	30,305	5	8
	30,305	5	8			
	6,796,544	12	0½			
Annual Issue for the Reduction of the National Debt - -	67,649	1	0			
	6,864,193	13	0½			

(A. 2.)—*Total Amount of the Sums actually received by the* COMMISSIONERS *for the Reduction of the* NATIONAL DEBT, *in the Year ending 5th Jan.* 1817.

	In Great Britain.			In Ireland.		
	£.	s.	d.	£.	s.	d.
Annual Issue - - - - - - - - - -	-	-	-	67,649	1	0
Expired Annuities - - - - - - - - -	-	-	-	58,573	18	8
Appropriation of £.1 per Cent. per Annum since 1797 - -	1,126,217	1	0	282,187	2	9
Appropriation of £.1 per Cent. on annual Amount of Exchequer Bills - - - - - - - - - -	-	-	-	27,059	7	6
	1,126,217	1	0	435,469	9	11
Interest on Debt of Ireland redeemed - - - - - -	559,067	3	0¾	313,673	19	2
	1,685,284	4	0¾	749,143	9	1
	749,143	9	1			
	2,434,427	13	1¾			

(B.)—*Interest on* EXCHEQUER BILLS, *with the Payments made in the Year ending the 5th Jan.* 1816 *to the 5th Jan.* 1817.

	£.	s.	d.
There remained Interest on Exchequer Bills unclaimed on the 5th January 1816 -	13	2	11
Charge for Interest at £.5 per Cent.			
On £.150,000. from 25th September 1815 to 25th March 1816, when paid off -	3,750	0	0
£.235,000. - - - ditto - - - to 25th Sept. ditto - - -	11,750	0	0
£.1,200,000. - 25th December - to 24th June ditto, when paid off -	30,000	0	0
£.1,120,000. - - - ditto - - - to 25th Dec. ditto - - -	56,000	0	0
£.1,000,000. - 24th June 1816 - to - ditto - - - - -	25,000	0	0
£.1,083,333. 6*s.* 8*d.* - - 4th July to 4th January 1817 - - - -	27,083	6	8
	153,596	9	7
Deduct Interest unclaimed on the 5th January 1817 - - -	27,096	9	7
Total Payments for Interest on Exchequer Bills, in the Year to the 5th Jan. 1817	126,500	0	0

(C.)—*Payments made in the Year ending the 5th January* 1817, *for the separate Service of* IRELAND.

	£.	s.	d.
For improving Post Roads - - - - - - - - - -	39,289	0	6½
For Dunleary Harbour, advanced pursuant to 56 Geo. 3, c. 62 - - - -	30,000	0	0
Discount on prompt Payment of Loan Deposits, &c. - - - - -	14,243	18	3¾
On account of the Balance due by Ireland, on the joint Expenditure of the United Kingdom, to the 5th January 1816 - - - - - - - -	1,282,676	17	5½
Lottery Prizes - - - - - - - - - - - -	110	0	0
Principal of Exchequer Bills - - - - - - - - - -	2,470,550	0	0
	3,836,869	16	3¾

(D.)—*Payments made from the* FUNDS *appropriated for Local Purposes in* IRELAND, *from the 5th Jan.* 1816 *to the 5th Jan.* 1817.

	£.	s.	d.
Lagan Navigation - - - - - - - -	1,300	0	0
Improving Dublin - - - - - - - -	12,383	2	5
Royal Exchange and Corn Exchange - - - - -	2,752	4	2
King's Inns - - - - - - - - -	2,751	18	3½
Light-house Duties - - - - - - - -	24,503	7	4
	43,690	12	2½

(E.)—*Payments made in the Year to the 5th Jan.* 1817, *under the several Heads of—Civil List—Pensions—and other permanent Charges.*

	£.	s.	d.	£.	s.	d.
Arrear on the Civil List, on the 5th January 1816 - -	55,814	16	7			
Charge for One Year, to the 25th December 1816 - -	225,000	0	0			
	280,814	16	7			
Deduct Arrear on the 5th January 1817 - - -	62,936	7	0			
Issued for Civil List, in One Year, to 5th Jan. 1817 -	-	-	-	217,873	9	7
Pensions, to the 25th March 1813 - - - - -	-	-	-	75	0	0
Other Permanent Charges; viz.						
Public Infirmaries - - - - - - -	3,500	0	0			
Public Coal Yards - - - - - - -	834	7	7			
Army Baggage - - - - - - - -	54,302	2	9			
Police Establishment - - - - - - -	41,923	1	6½			
Inspector General of Prisons, &c. - - - -	73,833	0	5			
Transportation of Felons - - - - - -	8,308	15	3			
Fees on auditing Treasury Accounts - - - -	2,211	19	1½			
Imprest Office - - - - - - - -	20,908	11	4¾			
Secret Service in detecting Treasonable Conspiracies -	13,824	14	10			
Annuities and Compensation Allowances - - -	90,160	18	5¼			
Judges additional Salaries, &c. - - - - -	43,374	12	2½			
Board of Education - - - - - - -	1,633	7	10½			
Retired Militia Officers - - - - - -	655	16	0			
Treasury Fee Fund Salaries - - - - - -	10,641	18	5½			
				366,113	5	10½
				584,066	15	5½

(F. 1.)—BOUNTIES *paid out of the Public Revenue of Customs in the Year ending the 5th Jan.* 1817, *being Payments in the nature of Anticipation of Exchequer Receipts.*

	£.	s.	d.
On Linen and Canvas exported - - - - - -	13,089	3	6
Beef and Pork exported - - - - - - -	8,437	4	2
Irish cured Fish exported - - - - - - -	134	7	11
Irish Fish Oil exported - - - - - - -	231	3	7
Irish refined Sugar exported - - - - - - -	308	12	0
Irish Tabinets exported - - - - - - -	436	8	0
Bark imported - - - - - - - -	112	13	4
Fishing Vessels - - - - - - - -	4,876	1	3
	27,625	13	9

(F. 2.)—*Amount of Payments out of the Revenue of Excise for* BOUNTIES, MILITIA, ARMY OF RESERVE, DESERTERS' WARRANTS, *&c. in the Year ending the 5th Jan.* 1817, *being Payments in the nature of Anticipation of Exchequer Receipts.*

		£.	s.	d.
Bounties to Spirit Retailers on Sale of Malt Liquors		465	16	8
Payments for	Militia	5,340	1	7
	Army of Reserve	21	4	2
	Deserters Warrants	705	0	0
	Fortifications	887	18	0½
Compensation for Spirits warehoused		478	1	5
		7,898	1	10½

(G.)—*Monies paid to the Office of* ORDNANCE, *in the Year to the 5th Jan.* 1817.

On Account of £.252,624. 17*s.* 9*d.* (£.233,192. 4*s.* 1*d.* British) granted for the Charge of the Office of Ordnance, in the Year 1816 } £.140,000 0 0

(H.)—*Monies paid on account of his Majesty's* FORCES *in* IRELAND, *in the Year ending the 5th Jan.* 1817.

	£.	s.	d.	£.	s.	d.
Regiments of the Line	1,088,579	16	7			
Militia	251,809	14	6¾			
Volunteer Corps	39,010	1	11			
Military Hospitals, and Royal Military Infirmary	18,106	13	4			
Officiating Clergymen, and retired Chaplains	1,174	17	6¾			
				1,398,681	3	11½
Commissariat Establishment				206,052	8	3¼
Barracks				193,577	15	5½
Staff Officers and Officers of Garrisons				71,205	4	1¾
Half-pay, Supernumerary and retired Officers				41,135	17	8
Officers Widows				16,723	5	1½
Royal Hospital, Kilmainham				121,043	4	5¼
Public Officers, their Deputies, Clerks, and contingent Expenses				10,785	1	9½
Superannuated Officers				5,306	15	11¼
Disembodied Militia				108,130	0	0
				2,172,640	16	9½
Extraordinary Service				196,186	18	7¼
				2,368,827	15	4¾

(I.)—*Payments in the Year ending the 5th Jan.* 1817, *for* MISCELLANEOUS SERVICES.

	£.	s.	d.
Public Officers, for several Services	1,250	0	0
Public Hospitals and Schools	221,120	0	0
Miscellaneous Services	201,475	14	10¾
Public Boards	136,783	5	4
Directors General of Inland Navigation, in further part of £.500,000, granted by 40 Geo. 3, c. 51	15,154	12	9¼
To complete £.75,000, granted 1815, for extending the Royal Canal	5,000	0	0
The Board of First Fruits, pursuant to 43, 47 and 49 Geo. 3	6,500	0	0
For a Depôt Barrack at Cork, on account of £.3,323, granted 1815	2,000	0	0
For a Record Repository, on account of £.16,364, granted 1814	3,238	18	5½
For Ardglass Harbour, in further part of £.3,190. 14*s.* granted by 54 Geo. 3, c. 167	103	17	1
	592,626	8	6½

(K.)—*Payments from the* VOTE OF CREDIT *of* 1815, *in the Year ending 5th Jan.* 1817.

Amount of Payments, being Arrears on the Vote of Credit of 1815 - - £.20,261. 9. 9¼.

VI.—PUBLIC FUNDED DEBT OF IRELAND:

AS THE SAME STOOD ON THE FIFTH JANUARY 1817.

	British Currency.			Irish Currency.		
	£.	s.	d.	£.	s.	d.
SUM Raised	100,639,833	9	7	—		
PAYABLE IN DUBLIN:						
£.3. 10*s*. per Cent. per Annum..................................	- -	-	-	15,149,058	17	1
£.4 per Cent. per Annum	- -	-	-	855,600	0	0
£.5 per Cent. per Annum	- -	-	-	11,944,296	15	9
PAYABLE IN LONDON:						
£.5 per Cent. per Annum	- -	-	-	1,873,412	4	11
£.3 per Cent. Consolidated Annuities	42,087,625	0	0	45,594,927	1	8
£.3 per Cent. Reduced Annuities	52,768,750	0	0	57,166,145	16	8
£.4 per Cent. Consolidated Annuities	5,954,375	0	0	6,450,572	18	4
£.5 per Cent. Navy Annuities	2,220,000	0	0	2,407,166	13	4
ANNUAL CHARGE:						
Annual Interest..	4,716,539	19	0¼			
Annuities on Lives or Terms of Years	188,049	18	10			
Pursuant to Act 37 Geo. 3, for Redemption of Debt then existing	139,816	14	8			
By Acts providing £.1 per Cent. for Redemption of Debts created since 1797	1,409,124	2	11	Total Principal:		
Total of Annual Expense......................	6,453,530	15	5¼	141,441,180	7	9

An Account of the Progress made in the REDEMPTION *of the* PUBLIC DEBT *of* IRELAND, *at the 5th January* 1817.

FUNDS.	CAPITALS.			Redeemed by the Commissioners, from 1st January 1797 to 5th January 1817.			TOTAL SUMS Paid.			Average Price of Stocks.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
5-per-Cents.	15,569,797	18	4	1,862,472	18	11	1,665,648	7	4	89	8	7
4-per-Cents.	1,097,100	0	0	471,450	0	0	417,759	2	10	88	12	2
3½-per-Cents.	17,380,972	17	1	6,478,739	13	8	4,893,114	1	7	75	10	6
	34,047,870	15	5	8,812,662	12	7	6,976,521	11	9	79	3	3
Deduct Capitals cancelled per 56 Geo. 3, cap. 89, for defraying the Gross Charge of £.3,041,666. 13*s*. 4*d*. Treasury Bills raised in 1816 ...	4,378,486	0	0	4,378,486	0	0						
Actual State of Debt ...	29,669,384	15	5	4,434,176	12	7						

Sums Annually applicable to the REDUCTION *of the* DEBT, *funded in Irish Securities.*

				Irish Currency.		
				£.	s.	d.
Annual Charge, per Act 37 Geo. 3, for Redemption of £.5,829,156. 13. 4. the Debt then existing				67,649	1	0
Annuities for Years, which have expired				72,167	13	8
£.1 per Cent. on £.28,218,714. 2. 1. Capitals created from 1797 to 1815, inclusive				282,187	2	9
£.1 per Cent. on £.2,705,000 Treasury Bills, outstanding 5th January 1816				27,050	0	0
Annual Interest on £.1,862,472. 18. 11. Redeemed Capital, at 5 per Cent.				93,123	12	11
......Ditto...... on £.471,450. .... Ditto......Ditto......at 4 per Cent.				18,858	0	0
......Ditto...... on £.6,478,739. 13. 8. Ditto......Ditto......at 3½ per Cent.				226,755	17	9
				787,791	8	1
	£.	s.	d.			
Chargeable on Sinking Fund, per 56 Geo. 3, cap. 89, for £.3,041,666. 13. 4. Treasury Bills, raised in 1816	182,500	11	9½			
Deduct £.1 per Cent. for Sinking Fund for said Bills	30,416	13	4			
				152,083	18	5½
Actual Sinking Fund, at 5th January 1817				635,707	9	7½

VII.—UNFUNDED DEBT OF IRELAND.

An Account of the Unfunded Debt *of* Ireland, *and* Demands Outstanding, *on the 5th day of January* 1817.

	£.	s.	d.	£.	s.	d.
Loan Debentures:						
Residue of Debentures bearing £.4 per Cent. Interest, to the Year 1788, provided for by the 27 and 28 Geo. 3, but unclaimed by the Proprietors; viz.						
Old Loan - - - - - - - - - -	275	0	0			
Loan by Lottery 1780 - - - - - - -	1,220	0	0			
Loan by Lottery 1781 - - - - - - -	730	0	0	(a) 2,225	0	0
Treasury Bills:						
Outstanding Treasury Bills provided for by several Acts of Parliament, but unclaimed by the Proprietors; viz.						
Payable 24 June 1783 - - - - - - -	8	6	8			
24 June 1790 - - - - - - -	50	0	0			
24 June 1791 - - - - - - -	100	0	0			
24 June 1801 - - - - - - -	50	0	0			
25 March 1803 - - - - - - -	100	0	0			
25 March 1816 - - - - - -	100	0	0	(a) 408	6	8
Treasury Bills, not in course of Payment:						
Issued pursuant to 53 Geo. 3, c. 61, payable 25 March 1817	235,000	0	0			
56 Geo. 3. c. 41, payable 24 Dec. 1817	1,000,000	0	0			
payable 25 March 1818	300,000	0	0			
payable 9 Oct. 1817	574,166	13	4			
payable 4 Jan. 1818	595,833	6	8			
56 Geo. 3, c. 42, payable 4 July 1817	1,083,333	6	8			
payable 9 Oct. 1817	758,333	6	8			
56 Geo. 3, c. 47, payable 4 Jan. 1818	325,000	0	0			
payable 24 June 1818	875,000	0	0	(b) 5,746,666	13	4
Lottery Prizes:						
Outstanding Lottery Prizes of the several Lotteries from 1782 to 1801 - -				(a) 25,583	0	0
				5,774,883	0	0

(a) Provided for by several Acts of Parliament.
(b) To be provided for.

VIII.—DISPOSITION OF GRANTS.

An Account, showing how the Monies, *granted for the* Service *of the Year* 1816, *have been Disposed of; distinguished under the several Heads; so far as relates to* Ireland; *stated in Irish Currency.*

SERVICES.	SUMS Granted.			SUMS Paid.			REMAINS.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Forces - - - - - - -	2,694,376	10	9	2,368,827	15	4¾	325,548	15	4¼
Ordnance - - - - - - -	252,624	17	9	140,000	0	0	112,624	17	9
Public Officers for several Services - -	1,250	0	0	1,250	0	0	—		
Miscellaneous Services - - - -	211,194	6	9	201,475	14	10¾	9,718	11	10¼
Public Boards - - - - - -	156,783	5	4	136,783	5	4	20,000	0	0
Public Hospitals and Schools - - -	221,120	0	0	221,120	0	0	—		
	3,537,349	0	7	3,069,456	15	7½	467,892	4	11½

END OF THE FINANCE ACCOUNTS FOR 1817.

FOURTH REPORT

FROM THE

SELECT COMMITTEE ON FINANCE.

Ordered to be printed 5th June 1817.

The SELECT COMMITTEE appointed to inquire into, and state, the Income and Expenditure of the United Kingdom, for the Year ended the 5th of January 1817, and also to consider and state the probable Income and Expenditure (so far as the same can now be estimated) for the Years ending the 5th of January 1818 and the 5th of January 1819 respectively, and to report the same, together with their Observations thereupon, from time to time, to the House, and also to consider what further measures may be adopted for the relief of the Country from any part of the said Expenditure, without detriment to the Public Interest,

HAVING had under their consideration the several accounts and papers laid before Parliament in the present session, relating to the public income and expenditure of the year 1816; and having pursued their inquiries into that subject, by calling for such further documents as appeared to be necessary, as well as by examining some of the persons most conversant with the management of the Public Revenue;—have now to present to the House a Report, embracing a view:

1st. Of the total Public Income and Expenditure of the United Kingdom, for the year ended the 5th January 1817, distinguished under its several principal heads.

2nd. Of the probable Income and Expenditure for the years 1817 and 1818 respectively.

In stating the Public Income, your Committee propose throughout this Report, to confine their view to the nett produce received at the Exchequer; leaving out of their present consideration the previous payments out of the gross receipt, for drawbacks, bounties, and other allowances and expenses, as well as for the charge of collecting and managing the revenue:—the whole of which, although not immediately essential to the object of this Report, forms, however, a very important subject of attention and inquiry, inasmuch as it embraces an expenditure out of the gross revenue of Great Britain and Ireland, which in the year 1816, amounted to no less than 11,117,009*l.** Every diminution that can be made, by a careful revision of these payments, and by a vigilant and economical management, will be a substantial addition to the income of the country.

1st.—PUBLIC INCOME AND EXPENDITURE, for the Year ended 5th January 1817.

IN order to exhibit a clear view of this extensive subject, and one which may be easily referable to the accounts before the House, your Committee have judged that the most eligible course would be to present it in two distinct statements, both for Great Britain and for Ireland: the first showing the whole of the public revenue and resources actually received at each of the Exchequers within the year ended 5th January 1817, together with the issues therefrom; whether such receipts and issues may have belonged to the service of that year, or have formed part of the ways and means and charges of the former or of preceding years: and the other, being intended to show the income and expenditure (ordinary and extraordinary) properly appertaining to the year 1816 only.

In these statements your Committee will omit from their view of the income of the year, in Great Britain, all sums received at the Exchequer, in consequence of any increase of debt in the year 1816; and they will likewise exclude from this part of their account the remittances from Ireland for defraying the interest, &c. of the loans for the service of that country, charged upon the consolidated fund of Great Britain; which will appear in their statement of the income and expenditure of Ireland.

---

* GREAT BRITAIN:—	Drawbacks, Bounties, &c.		£. 5,025,430
	Management		3,772,034
	Payments for other National objects		733,148
			9,530,612
IRELAND:—	Drawbacks, Bounties, &c.	369,476	
	Management	1,014,372	
	Payments for other National objects	202,549	
			1,586,397
	Total		£. 11,117,009

PUBLIC INCOME RECEIVED AT THE EXCHEQUER OF GREAT BRITAIN IN 1816.

CONSOLIDATED FUND:

		£.
The duties, taxes, and other branches of income, permanently forming a part of this fund, paid into the Exchequer, amounted to		37,399,350
In addition to which, there was carried to this fund the sum of 1,310,202*l.* out of the general produce of the war taxes, to defray the interest, &c. of loans charged thereon to 5th July 1816; from which period certain war duties of customs were made permanent, and their specific produce appropriated for defraying the charges in question	£. 1,310,202	1,684,208
Also the arrears of property tax to 5th January 1817, not specially appropriated	374,006	
Making the total income of this fund		39,083,558

ANNUAL DUTIES charged with the payment of Exchequer Bills:

The amount of these duties applied in the discharge of Exchequer Bills, within this period, was	2,931,343

It is here necessary to observe, that these annual duties commence on the 25th March in each year, and that the surplus thereof, after defraying 3,000,000*l.* of Exchequer Bills charged upon them, is carried to and forms a part of the consolidated fund. This surplus amounted, in the last year, to 2,206,056,* and is always considerable; the duties granted for the discharge of these Bills, being more than adequate to that object.

WAR TAXES which terminated within the Year, and Duties of Excise continued to 5th July 1821:

It appears that the total amount of these duties paid into the Exchequer in the last year, including 1,207,934*l.* on account of the war duty on malt, which expired on 5th July 1816, was	£. 17,030,032	
From which being deducted the amount carried to the consolidated fund out of those duties, as above stated	1,684,208	
Would leave		15,345,824

RECEIPTS not comprised under the foregoing Heads:

These Receipts, including the sum of 1,184,009 paid by Ireland on account of her proportion of the joint expenditure for the year 1815, and also including the sum of 5,939,802*l.* paid in on account of the loan for that year, amounted to	7,815,451
Making a total Receipt of	£. 65,176,176

EXPENDITURE FROM THE EXCHEQUER OF GREAT BRITAIN IN 1816.

CONSOLIDATED FUND:

	£.	
The total amount of the interest, management, &c. of the public unredeemed debt, was	29,539,610	42,527,246
The sinking fund, and the dividends payable to the commissioners for the Reduction of the national debt, on account of the stock redeemed by them, including the sum of 1,612,220*l.* the amount of the sinking fund of the debt of Ireland funded in Great Britain, was	12,987,636	
From which being deducted the charge of interest, sinking fund, and management for the debt of Ireland funded in Great Britain, which, as before observed, will more properly come under consideration with the income and expenditure of that part of the United Kingdom, in the year 1816		4,558,558
Charge of the debt of Great Britain		£. 37,968,688
On account of his Majesty's civil list		1,028,000
Carried forward		38,996,688

---

* Sugar	£. 550,528
Tobacco	157,740
Malt	1,443,272
Pensions, &c.	58,516
	2,206,056

Brought forward		38,996,688
Pensions by special acts of parliament, salaries, and all other allowances and payments		696,742
Making the total charge upon the consolidated fund		£ 39,693,430

PAYMENTS from the Exchequer for PUBLIC SERVICES:

Interest of unfunded debt in Exchequer Bills	£. 2,025,000	2,044,685
Interest of debentures per Act 53 Geo. 3, cap. 41	19,685	
To the paymaster general, out of sums granted for the army;—for aids to sundry Foreign Powers;—and out of the vote of credit 1815		12,050,223
To the treasurer of the navy, out of money granted by parliament for the navy, and out of vote of credit		9,516,325
(Of which 7,557,235*l.* was applied for current service, and 1,959,090*l.* to the discharge of navy debt, which was thereby reduced in the course of the year 1816, from 3,694,821*l.*, at which it stood on the 5th January 1816, to 1,735,731*l.*, its amount on the 5th January 1817).*		
To the treasurer of the ordnance, out of money granted for that department		2,569,610
And there was also issued for sundry miscellaneous services, including the sum of 1,267,732,† applied as the sinking fund upon unprovided Exchequer Bills, and in paying off debentures issued per Act 53 Geo. 3, and 5 per cent. stock created in 1797, and also including a payment to the Bank in respect of dividends claimed to the amount of 206,175*l.*		4,505,895
Making the total issues		£. 70,380,268

The aforegoing detail of the Receipts and Issues at the Exchequer of Great Britain, within the year 1816, being chiefly intended to connect the accounts annually laid before parliament, with the statement of the income and expenditure properly belonging to the year 1816, to which your committee are about to proceed, and which forms the more immediate object of their instructions, they do not deem it necessary, in this place, to advert minutely to the result of this account; more especially as your Committee conceive, that, from the extent and importance of the subject, it will be more satisfactory to the House that the state of the public funded and unfunded debt should be brought fully under its consideration in a separate Report, to which your Committee will consequently direct their attention as soon as possible. They therefore confine themselves to an observation arising out of a comparison of the total sums issued and received, which, as it exhibits an excess of 5,204,092*l.*‡ of issues beyond the Receipts, would at first sight indicate an increase of debt, whereby the difference must have been provided for; but this sum being deducted from that proportion of the foregoing issues which has been applied in the discharge of debt, amounting in the whole to 14,602,238*l.*,§ it will appear that there was a diminution of debt on the 5th January 1817, as compared with the 5th January 1816, of 9,398,146*l.*;—the only circumstance which may in a degree affect

---

* Annual Finance Accounts.—Unfunded Debt, anno 1815, (*Vol.* xxxiv *Appx. page* lv) —anno 1816, (*p.* liv *of this Appendix.*)

† Unprovided exchequer bills and debentures	£. 262,500
5 per cents. 1797, paid off	217,832
Debentures paid off	787,400
	1,267,732

‡ Issues	£. 70,380,268
Receipts	65,176,176
	5,204,092

§ Total sinking fund on the funded debt issued to the commissioners	12,987,636
Deduct on account of the debt of Ireland	1,612,220
	11,375,416
Sinking fund on exchequer bills	262,500
5 per cent. 1797, paid off	217,832
Debentures, 1813, paid off	787,400
Navy debt reduced	1,959,090
	14,602,238

the precise accuracy of this result, being the increase or diminution which may have taken place in the balances at the Exchequer, at the beginning or close of the year.

Having thus detailed the Income and Expenditure of the year 1816, according to the actual Receipts into the Exchequer and the actual issues thereout, your Committee now proceed to bring under the view of the House a statement of the Public Income and Expenditure of Great Britain, as applying more particularly to the last year; in which statement they will include, in addition to the permanent revenue received within the year, only those ways and means granted by parliament, which have been or are likely to be realized by the receipt of actual revenue or income, leaving out of this view all receipts arising from any increase of funded or unfunded debt: and in exhibiting the expenditure of the year, they will state; 1st, the charge upon the consolidated fund to the 5th of January 1817; and 2nd, the whole of the sums constituting the grants of parliament for the services of the year, and which although not satisfied and paid previously to the 5th January last, may be considered as forming a part of the expenditure of the year in respect of which the grants were made.

INCOME OF GREAT BRITAIN.

1°. CONSOLIDATED FUND:

	£.
The income of this fund in the year ended 5th January, 1817, arising from the sources before stated, amounted to - - - - -	39,083,558

2°. WAYS and MEANS granted by Parliament for the Supply of the Year:

Annual duties upon malt, sugar, &c. - - -	£. 3,000,000		
Excise duties continued to the 5th July 1821 - -	3,500,000		
Profits of lotteries, after reserving ⅐ the proportion for Ireland - - - - - - -	168,459		
Old naval stores, after reserving 79,988*l.* the proportion for Ireland - - - - - -	599,916	£.	
		7,268,375	
Unclaimed dividends (after abating 206,175*l.* repaid to the Bank in respect of dividends afterwards claimed) interest on land tax redeemed by money, and unclaimed money in the hands of the tellers of the Exchequer - - - - - -	£. 239,871		
The surplus of the supply of the year 1815, granted as part of the ways and means for the year 1816, was 5,663,755*l.*[*] of which however 959,090*l.* was applied in the reduction of the navy debt, leaving applicable to defray the supply voted for 1816, only - - -	4,704,665		
		4,944,536	
Total ways and means for the supply of the year - - - - -			12,212,911
And the total income, ordinary and extraordinary, exclusive of income arising from any loan funded, or from any addition to the unfunded debt, was -			51,296,469

EXPENDITURE OF GREAT BRITAIN.

CONSOLIDATED FUND:

Charge upon the consolidated fund for the year ended 5th January 1817 - £. 39,693,430

SUPPLY FOR THE SERVICE OF THE YEAR 1816:

	£.	
The total amount of supply granted, and of expenses incurred on the joint account of Great Britain and Ireland, for the year 1816, was 26,342,422*l.*, of which 15-17ths, the proportion of Great Britain, was - - - - - -	23,243,314	
The supply granted, or expenses defrayed on the separate account of Great Britain, including 1,265,232*l.*,[†] applied to the reduction of debt, was - - - - - -	3,921,150	
Making the total supply - - - - -		27,164,464
And the total expenditure for the year 1816, on account of Great Britain -		66,857,894

---

[*] Vide Disposition of Grants, Finance Accounts 1816, No. VIII, (*p.* lv *of this Appendix.*)

[†] Unprovided exchequer bills - -	£. 260,000
5 per cent. 1797, paid off - - -	217,832
Debentures, 1813, paid off - -	787,400
	1,265,232

Your Committee think it necessary, in this place, to refer to the result which, as far as relates to the diminution of debt, was adverted to in a former part of this Report, upon a comparison of the actual receipts and issues at the Exchequer of Great Britain, within the year 1816; whereas upon the first view of the present statement of the income and expenditure properly belonging to the year, it appears, that after deducting from the excess of the expenditure beyond the income, the sum included in that expenditure for the reduction of funded and unfunded debt, there still remains the sum of 2,920,777*l.*,* being an increase of debt upon the whole, incurred for the service of Great Britain in the year ended 5th January 1817.

This apparent disagreement between the two results will, however, be removed, when it is considered that the first of these statements comprehends the receipt and application of various large sums, principally arising from the collection within the year 1816 of the war taxes, which had been granted as a part of the provision for former years, and which were applied in the course of that year to satisfy anticipations which had been made on the credit of those taxes, or in discharge of other out-standing demands. Your Committee think it proper, likewise, to point out to the attention of the House, that as the income and expenditure, which they have stated as belonging more properly to the last year, also comprises many charges, as well as some resources, which arose out of the transactions of a former period, and will therefore not recur, the balance of the income and expenditure so exhibited could not with propriety be assumed as the criterion of the probable balance of future years; even independently of the peculiar circumstances affecting the revenue of 1816, which will be the subject of the observations of your Committee, in the ensuing part of this Report.

Your Committee having thus stated the Income and Expenditure of Great Britain for the last year, now proceed to submit to the House, a similar view of the Income and Expenditure of Ireland, for the same period.

INCOME OF IRELAND FOR 1816.

The nett amount received into the Exchequer, from the customs, excise, stamp duties, and every other branch of revenue and income, was	£. 4,561,353
There was also paid into the Exchequer of Ireland, or remaining to be remitted on account of the loan contracted for in England, in the year 1815	2,622,640
Making a total receipt of	7,183,993

EXPENDITURE.

The charge upon the consolidated fund, in respect of the public funded debt of Ireland, in Ireland and Great Britain, including 2,438,124*l.*, payable to the commissioners for the reduction of the said debt, was	£. 6,446,826	
For the civil list and other permanent parliamentary charges	539,138	
Making the total of permanent charges		£. 6,985,964
The expenditure on account of the services of the last or of former years, actually paid within the above period, was		3,075,561
		10,061,525
And there was remitted to England, and paid into the Exchequer towards making good the proportion of Ireland of $\frac{2}{17}$ of the joint expenditure		1,184,009
Making the total issues		11,245,534

---

* Expenditure	£. 66,857,894
Income	51,296,469
	15,561,425
Sinking fund of Great Britain	11,375,416
Grant for unprovided exchequer bills	260,000
5 per cent. 1797, paid off	217,832
Debentures 1813	787,400
	12,640,648
Increase of debt	2,920,777
	15,561,425

In following the course which your Committee have taken, in stating the Income and Expenditure of Great Britain, they now propose to submit to the House an account of the income of Ireland, as more particularly applicable to the year 1816; although the account, when presented in this shape, will differ but little from the account of the actual receipts and payments from the Exchequer of Ireland within the year.

INCOME.

		£.
The total revenue and income of Ireland was, in the year ended the 6th January 1817, as above stated - - - - - - - -		4,561,353

EXPENDITURE:

The total permanent charge upon the consolidated fund of Ireland, for the year ended 5th January 1817, was, as before stated - - - - -		6,985,964
The total amount of the supply granted, and of the expenses incurred on the joint account of Great Britain and Ireland for the year 1816, was 26,342,423*l.*, of which 2/17, the proportion of Ireland, was - - -	£. 3,099,108	
The supply granted or expense defrayed, on the separate account of Ireland, was - - - - - - - -	193,978	
Making the total supply - - - - -		3,293,086
And the total expenditure for the year 1816, on account of Ireland, - -		10,279,050

The results of these statements are, that the total revenue and income of Ireland for the year 1816, amounted to 4,561,353*l.*;—that the charges of her debt, and other payments of a permanent nature, amounted to 6,985,964*l.*; that the supply for that year to be defrayed by Ireland, as above stated, was 3,293,086*l.*; making a total expenditure of 10,279,050*l.*, of which the sum of 2,438,124 was issued to the commissioners for the reduction of the national debt of Ireland.

The Exchequer of the two countries having, from the 5th January last become united, and being now administered by one authority, your Committee propose to take a view of the combined receipt and expenditure of the United Kingdom as more particularly applicable to the year ended 5th January 1817, in order that the result of the actual income and expenditure of the two countries thus united, may be before the House in one view, and may be compared with the Estimate of the probable future Income and Expenditure of the United Kingdom, in the years ending 5th January 1818 and 5th January 1819 respectively, which, in pursuance of their instructions, your Committee propose to submit to the House in a subsequent part of this Report.

INCOME:

	£.	£.
The total income of Great Britain, applicable to the permanent charges of that year, and to the supplies granted for that period was, as before stated - - - - - - -	51,296,469	
And of Ireland - - - - - -	4,561,353	
Making a total income of - - - -		55,857,822

EXPENDITURE:

		£.
The total charge upon the consolidated fund in England was	£. 39,693,430	
The charge of the debt of Ireland, and other payments of a permanent nature, was - - - - -	6,985,964	
Making the total permanent charge of the United Kingdom - -		46,689,394
The total supply of the two countries, including the separate charges of each, which have, from 5th January last, become joint charges, was - - -		30,457,550
Making a total expenditure - - - - -		77,146,944

Of which 15,078,772*l.* was on account of the reduction of debt existing before the 5th January 1816.*

---

* Great Britain - - -	12,640,648
Ireland - - - -	2,438,124
	£. 15,078,772

ESTIMATED INCOME AND EXPENDITURE FOR THE YEARS 1817 AND 1818.

Your Committee having thus stated the "Income and Expenditure of Great Britain and Ireland for the year 1816, ended 5th January 1817," have next to present to the House, an "Estimate of the probable Income and Expenditure of the United Kingdom, in the years ending the 5th January 1818, and the 5th January 1819, respectively."

In endeavouring to execute this part of their instructions, your Committee are aware that much must be assumed and stated upon conjecture; that views which may now appear to them reasonable and warranted, may, on the one hand, be improved by a concurrence of favourable circumstances beyond their present expectations; or, on the other hand, may be disappointed by events of an untoward nature. Your Committee, however, have proceeded in the task assigned to them, with a firm reliance that these considerations would not escape the attention of the House, and that duly appreciated by its wisdom, they could not fail to bespeak its indulgence for this part of the Report.

Proceeding under this impression, your Committee have, in the first place, been led to consider in what degree the produce, in the last year, of the taxes and duties composing the existing revenue, could with propriety be assumed as the measure of their future annual produce. It being obvious, that if the receipt of the last year should have varied considerably from the average receipts of former years, it would remain for the Committee to inquire, whether the causes which led to such variation were likely to be of a permanent, or only of a temporary nature, before they could offer an opinion as to the probable return of the revenue to its ordinary state of productiveness; a point upon which the estimates required of them must necessarily so much depend.

In directing their attention to this essential part of their inquiry, your Committee could entertain no doubt as to the general result to which it would necessarily lead. The nature and extent of the distress which has prevailed throughout those classes of the community which constitute the bulk of the population, were too strongly impressed upon the minds of your Committee, to admit of the supposition, that under such circumstances, the revenue could have been productive in an ordinary degree. It is obvious to reason, as well as consistent with all former experience, that the revenue derived from articles of the most general consumption, must be injured by the calamity of a deficient harvest; and when the committee considered that the distress proceeding from this cause had followed immediately that rapid fall of prices by which the agriculture of the kingdom had been so greatly depressed, and had come in conjunction with the effect produced upon the commerce and manufacturing industry of the country, by the sudden changes which had occurred in the political state of Europe; they were fully prepared to find a very considerable deficiency in the produce of the principal taxes in the year ended the 5th January 1817; and the more especially as all these causes of distress appear to have been felt by most of the nations of the continent in a similar, and by many of them in a severer degree.

The fact has, indeed, corresponded with the principles upon which this expectation was founded. But although these concurring evils have not failed to produce in a material degree their natural consequences, yet your Committee in contemplating the utmost extent of them, and in comparing them with the depression which the revenue has experienced in former instances, when affected by the single calamity of a deficient harvest, are disposed to consider it as a striking proof of the substantial strength and wealth of the country, that its consumption should not have been diminished in a greater degree under the accumulated circumstances of embarrassment which have pressed upon the last year.

With a view to ascertain, so far as the subject admits, the measure of the deficiency thus produced in the receipts of the year 1816, your Committee called for an account from the principal departments of the revenue, so framed as to exhibit the total produce in each of the last five years, of those duties only which have been in full collection throughout the whole of that period: whereby your Committee are enabled to present at one view a statement of the comparative productiveness of each branch of the revenue, and of the whole together, in the year 1816, and for the four several years which preceded it.

The result of this comparison will show, that the revenue in the year 1816 was considerably less productive than in the year 1815; and that it was likewise deficient, though in a smaller degree, when compared with the average of the three years which preceded the year 1815. It will farther be observed, that the receipt of the year 1815 was an extraordinarily large one, and that the excess in that year in Great Britain so nearly counterbalances the deficiency in the year 1816, that the mean of those two years corresponds very closely with the average of the three preceding years:—a circumstance which your committee point out to the attention of the House, as leading them to the foundation which they propose to assume for their estimate of the probable produce of future years.

The following is the General Abstract of this comparison deduced from the several accounts.

GREAT BRITAIN.

	YEARS.	1812.	1813.	1814.	1815.	1816.
		£.	£.	£.	£.	£.
1.	Customs - -	9,109,723	8,743,841	8,859,830	9,390,434	7,742,415
2.	Excise - - -	20,267,458	21,061,293	21,873,265	22,491,964	20,501,021
3.	Stamps - - -	5,075,670	5,340,712	5,598,574	5,499,252	5,464,976
4.	Assessed and other taxes -	6,618,232	6,714,688	6,817,104	6,568,119	6,404,717
5.	Post-office - -	1,222,000	1,203,000	1,262,000	1,325,810	1,189,830
	£.	42,293,083	43,063,534	44,410,773	45,277,579	41,302,959

Average of 1812, 1813, & 1814 — £. 43,255,796.

Average of 1815 & 1816. — £. 43,289,269.

IRELAND.

	YEARS.	1812.	1813.	1814.	1815.	1816.
		£.	£.	£.	£.	£.
1.	Customs - -	2,089,629	2,121,523	1,667,270	1,608,439	1,156,918
2.	Excise and taxes	1,491,408	1,365,140	1,540,228	1,495,627	1,160,901
3.	Stamps - - -	446,336	477,503	457,754	508,291	498,291
4.	Post office - -	86,000	96,000	89,000	79,500	78,000
	(Irish currency)	4,113,373	4,060,166	3,754,252	3,691,857	2,894,110

Average of 1812, 1813, & 1814. — £. 3,975,930.

Average of 1815 & 1816. — £. 3,292,983.

AVERAGE OF THE THREE YEARS PRECEDING 1815:

Great Britain - - - - - -			£. 43,255,796
Ireland - - - -	3,975,930 *Irish* -		3,670,090
			46,925,886

PRODUCE OF THE YEAR 1815:

Great Britain - - - - - -		£. 45,275,579	48,683,447
Ireland - - -	3,691,857 *Irish* -	3,407,868	
Being more than the average of the three former years - -			1,757,561

PRODUCE OF THE YEARS 1816:

Great Britain - - - - - -		£. 41,302,959	43,974,446
Ireland - - -	2,894,110 *Irish* -	2,671,487	
Less than the average of the three preceding years - - -			2,951,440
Less than the year 1815 - - - - - - -			4,659,001

AVERAGE OF THE YEARS 1815 & 1816:

Great Britain - - - - -		£. 43,289,269	46,328,946
Ireland - - -	3,292,983 *Irish* -	3,039,677	

Corresponding nearly with the average of the three years preceding.

In further illustration of the general grounds upon which your Committee conceived that the depression of the revenue was to be traced to the great leading causes to which they have already referred, they observe that the diminished productiveness in the year 1816 has chiefly arisen in the customs and excise;—the other branches of the revenue having suffered in a degree so inconsiderable, as not to be worthy of attention in the present view of the subject. And they further observe, that in the two branches which thus exhibit nearly the whole of the defalcation, the difference between the last and former years does not appear to have arisen upon a few only of the principal articles subject to duty (which might have been influenced by particular causes), but in a greater or less degree, upon almost the whole of those which constitute the excise revenue; while in the customs, the duty upon all those articles which are imported for the use of manufactures and for naval equipment, is deficient, with the single and comparatively unimportant exception of Barilla.

Your Committee are well aware, that in addition to the general causes affecting the usual consumption of taxed commodities in the year 1816, some part of the diminution of the revenue must be attributed to the diminished consumption of the government itself. But, in opposition to this circumstance, they consider that the cessation of so large a portion of the taxes (viz, 17,500,000*l.* per annum) as expired in the last year, although their collection continued to operate during the remainder of that year, cannot fail, when the full benefit of the addition thereby made to the means of individuals is generally felt, to encourage an increased expenditure and consumption by the community at large;—a consideration which is to be set against any inference to be drawn from the necessary diminution in the demands and consumption of government.

Your Committee are likewise disposed to believe, that the greater facilities which may have been derived to the fraudulent trader, from the return of peace, may have contributed in some degree to the deficiency now under consideration. Upon this very important point, your Committee are not, however, enabled by the evidence before them to state any distinct information to the House. The general tendency of the opinions of those persons who have been examined by the Committee, seems to lean to the apprehension, that in the absence of the obstacles opposed by a state of war to the fraudulent trader it may be nearly, if not wholly impracticable to maintain the efficient collection of some of the high duties which have been created since the last peace. It does not appear probable, however, that the progress of smuggling has been such as to have had any material effect upon the produce of the last year's revenue;—the evil to any prejudicial extent, being as yet rather in prospect than in existence. Your Committee, therefore, do not consider the share which the illegal evasion of duty may possibly have had in producing the deficiency of 1816, as being of sufficient importance to interfere with their view of the subject, in ascribing that deficiency principally to the depression of agricultural, manufacturing, and commercial industry, and to the consequent general distress of the labouring population of the country. They are, however, so much disposed to agree in the grounds of apprehension which are entertained with respect to the growth of smuggling, that they feel it to be their duty to point it out as an object requiring the most vigilant attention on the part of those to whom the superintendance of the revenue is confided in order that an evil so pernicious in every point of view, moral or political, as an organized contraband trade, may not be allowed to establish itself under the allurement of the enormous gains to be made by an habitual violation of the law. It may be expedient, that under the present circumstances of the country, the experiment should be fairly made to maintain the existing revenue by such means as the government may be enabled to apply to the counteraction of smuggling, rather than have recourse immediately to considerable alterations in the duties: but your Committee cannot too strongly urge the necessity of not persisting longer in that experiment than a clear prospect of success will fully justify, and the propriety of having recourse in due time, in the event of failure, to the wisdom of parliament for a commutation of the duties exposed to this danger, by the substitution of other sources of revenue less obnoxious to it.

Your Committee being therefore fully impressed with the belief, that the unfavourable returns of the revenue in the year 1816 are essentially referable to the general distresses of the country, are necessarily led to the conclusion, that according as these distresses may be removed by the recovery of trade and agriculture, from the shock occasioned by the sudden change in the money value of commodities, and in proportion as the industry of the labouring classes may receive relief from more extended or more productive employment, coupled with the blessing of a more favourable season than the last;—in the same proportion and degree may it be confidently expected, that the public revenue of the country will return to its average rate of productiveness.

Of the degree in which some melioration may already have taken place, and of the period within which a full recovery from our late difficulties may be anticipated, it would be premature, and perhaps presumptuous, in your Committee to attempt to state any distinct opinion. They have, however, thought it right to call for such information as could be acquired upon this very important point, from some of the persons most conversant, practically, with the manufacturing and commercial industry of the country; and the opinions of these persons as to the actual commencement, or the early prospect, of returning activity are, upon the whole, encouraging and satisfactory. Your Committee feel warranted by the concurring sentiments of these witnesses, as well as by all other indications within their own observation, in expressing a belief, that a favourable alteration is already manifesting itself throughout the country. And when your Committee contemplate the great advantages possessed by this nation, over all those which have suffered, and are still suffering, by the calamities peculiar to the present period,—in the substantial resources of accumulated wealth, and of solid and extensive establishments for the employment of labour and the maintenance of industry,—they cannot but indulge the most confident hope that a melioration once begun will be rapidly accelerated. They, therefore, conceive that they shall not be exhibiting a too favourable view of the future revenue from the present taxes, when they assume the average productiveness of the last two years (corresponding, nearly, as they have already shown, with the average of the three preceding years), as the foundation of their estimate.

They wish, however, to be clearly understood as not stating a confident opinion that the estimate thus framed, will be realized within the present year. For although they see, on the one hand, reason to expect that the receipts of the Exchequer may (when the change which they anticipate takes place) be swelled in the first instance, somewhat beyond the actual increase of the consumption, by the replenishment in the hands of dealers, of the average stocks of their respective trades, which stocks your Committee have reason to believe have been greatly reduced; yet, considering how much of the year must elapse before the relief to be expected from the ensuing harvest can be felt, together with other circumstances which may operate to delay the expected improvement, they deem it safer to present a less sanguine view, and to assume, as will appear in the detailed statement which follows, that even with the aid of the arrears of the property tax, to the amount of 2,800,000*l.*, the receipts of the present and the next year may not exceed the limits of their estimate.

Your Committee, proceeding upon this foundation, have therefore called for accounts from each branch of the revenue, "Of the total nett produce paid into the Exchequer, in the years 1815 and 1816, of the taxes and duties existing on the 5th January 1817, showing the average of the last two years; together with an addition by estimate, for the amount of any duties which may not have been in full operation during the whole of the two years," and the result of which is as follows:

AN ESTIMATE OF THE FUTURE PRODUCE OF THE PUBLIC INCOME.

Distinguished under its several heads, according to the average produce of the years 1815 and 1816.		Great Britain.	Ireland.	
		£.	£.	
Customs	L. 1.	9,340,657	1,725,939	
Excise	L. 2 & 3.	22,591,364	2,864,898	
Assessed taxes, &c.	L. 5.	7,136,864		
Stamps	L. 4.	6,132,080	518,803	
Post-office	L. 6.	1,485,500	78,750	
* Small branches of the revenue, and miscellaneous payments received at the Exchequer		245,000	200,000	
		46,931,465	5,388,390	Irish currency.
			4,973,899	British.
			46,931,465	
Total for the United Kingdom			51,905,364	
To which must be added the probable produce of the lottery, and the sale of naval stores			600,000	
Making the total probable nett revenue applicable to the permanent expenditure, or to the service of the year for the United Kingdom.			52,505,364	

* Assumed to be nearly the same as in 1816.

In this statement your Committee have not inserted, for the reason above-mentioned, the sums remaining to be received upon the assessments of the property tax, which will, however, come in aid of the consolidated fund in the present and the next year, or be otherwise applicable, according to the disposal of parliament. The amount computed to have been outstanding under this head, on the 5th January 1817, was 2,800,000*l.*

Having thus estimated the probable Income, your Committee proceed to state the probable expenditure in the years 1817 and 1818, which they propose to divide under the following heads:

PERMANENT CHARGES.	1817.	1818.
	£.	£.
Interest and management of the public debt of the United Kingdom, unredeemed - - - - - -	29,403,464	28,751,093
Sinking fund, and interest on the debt redeemed payable to the commissioners for the redemption of the national debt -	14,134,443	14,724,614
Total charge for account of the funded debt - -	43,537,907	43,475,707
Civil list of the United Kingdom - - - - -	1,235,692	1,235,692
Pensions by special acts of parliament, allowances, expenses of the Mint, courts of justice, and other miscellaneous charges upon the consolidated fund - - - - - -	779,657	779,657
Interest upon treasury bills in Ireland charged upon the consolidated fund - - - - - - - - -	265,231	23,654
Russian loan in Holland - - - - - - -	121,965	121,965
Making the whole of the annual charge upon the consolidated fund - - - - - - -	45,940,452	45,636,675

With these charges upon the consolidated fund should be classed, as your Committee conceive, the interest and sinking fund annually voted to defray the charge of the unfunded debt. Having accordingly called for an estimate of the same, they find it to be for the present year, 1,900,000*l.* for the interest, and 330,000*l.* for the sinking fund, making together 2,330,000*l.* which sum they therefore take as the probable amount in each of the two years, because any diminution under this head, except so far as may be derived from a reduction of interest, would occasion a nearly corresponding addition to the charge of the funded debt.

The next part of the expenditure which your Committee have to consider is, the supply annually granted for the public service, under the heads of Army, Navy, Ordnance, and Miscellaneous charges:—with respect to which your Committee have proceeded upon the estimates for those several services which are now before the House for the present year;—and with respect to such supplies as are not yet voted and do not usually come before the House by previous estimates, upon the information which they have received from the chancellor of the exchequer, one of the members of your committee. But as it is obvious that some of the expenses comprised in the estimates for the year 1817, will not recur in future years, and that others will gradually diminish (independently of any reductions which your Committee trust it may be found consistent with the public interest to make in the establishments which form the principal subjects of these estimates) your Committee have called upon the several departments to distinguish the expenses which will terminate in the present year; and they now present their estimate of the annual supplies for the years 1817 and 1818, accordingly, as follows:

	1817.	1818.
Army - - - - - - - -	9,080,000	8,500,000
Navy - - - - - - - -	7,646,000*	6,000,000
Ordnance - - - - - - -	1,221,300	1,150,000
Miscellaneous - - - - - - -	1,700,000	1,700,000
	19,647,300	17,350,000
Add permanent charges - - - - - - -	45,940,452	45,636,675
Charge of unfunded debt - - - -	2,230,000	2,230,000
£.	67,817,752	65,216,675

---

* This sum includes 1,200,000*l.* for reduction of navy and transport debt, and 460,000*l.* due to the East India Company, for hemp furnished to the navy.

Your Committee are aware that there are expenses not included in the estimates for the present year, which must occur, if not in the next, some of them certainly, and others probably, in future years;—such as the charge of embodying and training the regular militia, in the army estimates; and the grants for augmenting small livings, and for building churches, which have been postponed in the miscellaneous services of the present year: but they are induced to hope that reductions under other heads of our establishments, equivalent to these expenses, will be effected by the vigilant economy of the government; and they therefore make no allowance for them in these statements.

Having thus presented the best view which they have been enabled to take of the probable Income and Expenditure of the years 1817 and 1818, and having explained the grounds upon which they have prepared these necessarily imperfect estimates, it only remains for them to compare the income with the expenditure, and to state the result to the House.

The probable average income in the years 1817 and 1818, according to the foregoing estimate, is 52,505,364*l.*, which being deducted from the estimated totals of the expenditure in each of those years, it would appear that there would remain to be provided by extraordinary resources, to make good the difference between the total income and expenditure, in the year 1817, 15,312,388*l.*;* and in the year 1818, 12,711,311*l.*,† independently of any addition to the annual charge, by reason of new debt which may be created in either of those years.

To this statement, your Committee have to add, that in the former of these years, the sums to be applied (forming part of the above general expenditure) for the reduction of debt, is 14,515,473;‡ and, that in the latter, it may be estimated to be 15,104,117:§—by which it will appear, that in the latter year, the debt to be redeemed would exceed the debt to be probably incurred, by the sum of 2,392,806*l.*‖

In addition to this surplus of income applicable towards the diminution of the debt, your Committee feel warranted by the improved and apparently improving state of the public credit, and consequent increased value of the public securities, in directing the attention of the House to the probability of a reduction, at no distant period, of the interest on a part of the funded debt;—the result of which, besides the incidental encouragement which every description of productive industry and commercial enterprise could not fail to find, in the facility of borrowing upon advantageous terms, would be a very considerable saving in the permanent charge of the national debt.

Your Committee do not think it necessary to submit any prospective calculations upon this subject; but if, by the continued blessings of peace, and a system of persevering economy, the public credit of the country, aided by the uninterrupted operation of the sinking fund, should attain to the point at which it stood in '792, your Committee observe with satisfaction that a diminution of charge might be effected by the reduction of interest alone which would be an annual saving of between two and three millions sterling. Looking forward to this event, as the resource which promises the greatest and most substantial relief to our finances, and feeling that in its attainment the country would find at once the evidence of existing ease and the pledge of growing prosperity, your Committee cannot better conclude this report than by expressing their anxious hope that nothing will arise either in the state of our foreign relations, or in the administration of the domestic concerns of the empire, to call for exertions which might tend to retard or disappoint the prospect of this most desirable improvement.

5 *June* 1817.

---

* Expenditure in 1817 - - - -	£.67,817,752
Income - - - - - - -	52,505,364
	15,312,388

† Expenditure in 1818 - - - -	65,216,675
Income - - - - - - -	52,505,364
	12,711,311

‡ 1817.	§ 1818.
13,522,080	14,130,573
663,393	643,544
333,000	330,000
14,515,473	15,104,117

‖ Sinking fund - - - 1818——	£.15,104,117
	12,711,311
	2,392,806

LIST OF PUBLIC ACTS,

Passed in the Fifth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland.—57 GEO. III. A. D. 1817.

---

1. An Act to continue and extend the provisions of an act of the 49th of his present majesty, for regulating the trade and commerce to and from the Cape of Good Hope, until the 5th of July 1820; and also for regulating the trade of the island of Mauritius.
2. For raising the sum of 24 millions, by exchequer bills, for the service of the year 1817.
3. To empower his majesty to secure and detain such persons as his majesty shall suspect are conspiring against his person and government.
4. To extend the privileges of the trade of Malta to the port of Gibraltar.
5. For continuing to his majesty certain duties on malt, sugar, tobacco, and snuff, in Great Britain; and on pensions, offices, and personal estates, in England; and for receiving the contributions of persons receiving pensions, and holding offices; for the service of the year 1817.
6. To make perpetual certain parts of an act of the 36th of his present majesty, for the safety and preservation of his majesty's person and government against treasonable and seditious practices and attempts; and for the safety and preservation of the person of his royal highness the Prince Regent against treasonable practices and attempts.
7. To revive and make perpetual two acts of the 37th of his present majesty, the one in the parliament of Great Britain, and the other in the parliament of Ireland, for the better prevention and punishment of attempts to seduce persons serving in his majesty's forces by sea and land from their duty and allegiance to his majesty, or to incite them to mutiny or disobedience.
8. To continue, until the 5th of April, 1820, an act of the 52nd of his present majesty, to regulate the separation of damaged from sound coffee, and to permit dealers to send out any quantity of coffee not exceeding eight pounds weight without permit.
9. For vesting all estates and property occupied for the barrack service in the controller of the barrack department; and for granting certain powers to the said controller.
10. To regulate the vessels carrying passengers from the united kingdom to certain of his majesty's colonies in North America.
11. To facilitate the progress of business in the court of King's-bench in Westminster-hall.
12. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
13. For the regulating of his majesty's royal marine forces while on shore.
14. To indemnify such persons in the united kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the 25th of March, 1818; and to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors, to make and file the same on or before the 1st day of hilary term, 1818.
15. To continue, until the 5th of July, 1818, an act of the 46th of his present majesty, for granting an additional bounty on the exportation of the silk manufactures of Great Britain.
16. For raising the sum of eighteen millions, by exchequer bills for the service of the year 1818.
17. To repeal, during the continuance of peace, so much of an act of the 9th of his present majesty, as prohibits the exportation of pig and bar iron, and certain naval stores, unless the pre-emption thereof be offered to the commissioners of his majesty's navy.
18. To facilitate the hearing and determining of suits in equity in his majesty's court of exchequer at Westminster.
19. For the more effectually preventing seditious meetings and assemblies.
20. For making further regulations in respect to the pay of the officers of the royal navy, in certain cases therein mentioned.
21. To revive and continue for two years, and from thence until the end of the then next session of parliament, two acts made in the 47th and 50th years of his present majesty, for the preventing improper persons from having arms in Ireland.
22. To amend two acts of the 54th and 55th of his majesty's reign, to provide for the better execution of the laws in Ireland, by appointing superintending magistrates and additional constables in counties in certain cases.
23. To further continue, until the 25th of March, 1820, an act of the 7th of George 2nd, for the free importation of cochineal and indigo.
24. To alter and enlarge the powers of an act passed in the 54th of his present majesty, intituled, " An act for the further improve-

ment of the land revenue of the crown."

25. To explain and amend an act made in the 48th of his present majesty, for repealing the duties of assessed taxes, and granting new duties in lieu thereof; and to exempt such dwelling-houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said act.
26. To amend and render more effectual four several acts passed in the 48th, 49th, 52nd, and 56th of his present majesty, for enabling the commissioners for the reduction of the national debt to grant life annuities.
27. For repealing the duties of customs on buck wheat imported into this kingdom, and for granting other duties, until the 25th of March, 1821, in lieu thereof.
28. To extend the powers of two acts, for allowing British plantation sugar and coffee, and other articles imported into Bermuda in British ships, to be exported to America in foreign vessels, and to permit articles, the produce of America, to be imported into the said island in foreign ships, to certain other articles.
29. To extend to Newfoundland the provisions of an act passed in the 52nd of his present majesty's reign, for permitting the exportation of wares, goods, and merchandize from any of his majesty's islands in the West Indies, to any other of the said islands, and to and from any of the British colonies on the continent of America, and the said islands and colonies.
30. To regulate the interests and periods of payment of navy, victualling, and transport bills.
31. For granting to his majesty a sum of money to be raised by lotteries.
32. To repeal the duties of excise on stone bottles, and charge other duties in lieu thereof.
33. To reduce the allowance of spirits, tea, and tobacco, for the use of the seamen on board certain ships or vessels making short voyages.
34. To authorize the issue of exchequer bills, and the advance of money out of the consolidated fund, to a limited amount, for the carrying on of public works and fisheries in the united kingdom, and employment of the poor in Great Britain, in manner therein mentioned.
35. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
36. To regulate the trade to and from the places within the limits of the charter of the East India company, and certain possessions of his majesty in the Mediterranean.
37. To explain and amend an act of the 53rd of his present majesty, relating to tolls on carriages used in husbandry, and to remove doubts as to exemption of carriages, not wholly laden with manure, from payment of toll.
38. To continue, until the 15th of June, 1818, an act of the 52nd of his present majesty, for the more effectual preservation of the peace, by enforcing the duties of watching and warding.
39. To extend certain provisions of the acts of the 36th and 52nd of his present majesty to matters of charity and friendly societies.
40. To authorize the rewarding officers of the customs for their services in preventing illicit distillation in Scotland, under an act passed in the last session of parliament.
41. To repeal two acts passed in the 54th and 55th of his present majesty, relating to the office of the agent general, and for transferring the duties of the said office to the offices of the paymaster-general and secretary at war.
42. To revive and continue, until the 25th of March, 1819, an act made in the 54th of his present majesty, for permitting the exportation of salt from the port of Nassau in the island of New Providence, the port of Exuma, and the port of Crooked island in the Bahama islands, in American ships coming in ballast.
43. For granting, for two years from the 5th of July, 1817, bounties on sugar, refined otherwise than by claying.
44. To allow corps of yeomanry or volunteer cavalry, when assembled for the suppression of riots or tumults, to be quartered and billetted, and officers on half-pay to hold certain commissions in such corps, and to exempt members in such corps from serving the office of constable.
45. For the continuation of all and every person or persons in any and every office, place, or employment, civil or military, within the united kingdom of Great Britain and Ireland, dominion of Wales, town of Berwick-upon-Tweed, isles of Jersey, Guernsey, Alderney, Sarke, and Man, and also in all and every of his majesty's foreign possessions, colonies or plantations, which he or she shall hold, possess, or exercise during the pleasure of the crown, at the time of the death or demise of his present majesty, until removed or discharged therefrom by the succeeding king or queen of this realm.
46. To prevent the issuing and circulating of pieces of copper or other metal, usually called tokens.
47. For settling and securing annuities on lord Colchester, and on the next person to whom the title of lord Colchester shall descend, in consideration of his eminent services.
48. To make further provision for the adjustment of the accounts of the consolidated fund of the united kingdom, and for making good any occasional deficiency which may arise in the said fund in Great Britain or Ireland respectively; and to direct the application of monies by the commissioners for the reduction of the national debt.

49. For altering and amending the laws of excise with respect to salt and rock salt.
50. To continue an act made in the 54th of his present majesty's reign, intituled, "an act to provide for the preserving and restoring of peace in such parts of Ireland as may at any time be disturbed by seditious persons, or by persons entering into unlawful combinations or conspiracies."
51. To regulate the celebration of marriages in Newfoundland.
52. To alter an act passed in the 11th of George 2nd, for the more effectual securing the payment of rents, and preventing frauds by tenants.
53. For the more effectual punishment of murders and manslaughters committed in places not within his majesty's dominions.
54. To enable the commissioners of his majesty's woods, forests, and land revenues, to make and maintain a road from Millbank row, Westminster, to the Penitentiary.
55. To continue an act to empower his majesty, to secure and detain such persons as his majesty shall suspect are conspiring against his person and government.
56. To amend the laws in respect to forfeited recognizances in Ireland.
57. To empower his majesty to suspend training, and to regulate the quotas of the militia.
58. To allow British goods to be exported direct from this country to the United States of America, upon the same terms as when exported to any foreign country.
59. For letting to farm the post-horse duties, and for better securing and facilitating the recovery of the said duties.
60. To regulate certain offices in the court of exchequer in England.
61. To abolish the offices of the wardens, chief justices, and justices in Eyre, north and south of Trent.
62. To abolish certain offices, and to regulate certain other offices, in Ireland.
63. To regulate the offices of clerks of the signet and privy seal.
64. To abolish certain offices, and regulate others, in Scotland.
65. To enable his majesty to recompense the services of persons holding, or who have held, certain high and efficient civil offices.
66. To amend an act of the 22d of his present majesty, for suppressing or regulating certain offices therein mentioned, so far as relates to the board of trade; and for enabling the vice-president of the board of trade to send and receive letters and packets free from the duty of postage.
67. To regulate certain offices, and abolish others, in his majesty's mints in England and Scotland respectively.
68. To amend the laws relating to sheriffs in Ireland.
69. To continue until the 29th of September, 1818, and to amend an act passed in Ireland, in the 36th of his present majesty, for the improvement and extension of the fisheries on the coasts of Ireland.
70. To relieve persons impugning the doctrine of the holy Trinity from certain penalties, in Ireland.
71. To amend an act of the 50th of his present majesty's reign, for repealing the several laws relating to prisons in Ireland, and for re-enacting such of the provisions thereof as have been found usual, with amendments.
72. To continue until the end of the next session of parliament two acts made in the 54th and 56th of his present majesty, for regulating the trade in spirits between Great Britain and Ireland reciprocally
73. To allow the exportation of woollen or bay yarn from Ireland by licence obtained there.
74. To extend several acts for allowing the importation and exportation of certain goods and merchandise to Porta Maria in the island of Jamaica, and to the port of Bridge Town in the island of Barbadoes.
75. To abolish the punishment of public whipping on female offenders.
76. To amend an act of the 54th year of his present majesty, to regulate the payment of drawback on paper allowed to the universities in Scotland.
77. For extending the provisions of an act of the 54th of his present majesty, for regulating the payment of army prize money; and for authorizing the commissioners of Chelsea-hospital to suspend the pensions of such persons as shall be guilty of frauds in respect of prize money or pensions.
78. For fixing the rates of subsistence to be paid to innkeepers and others on quartering soldiers.
79. To permit the transfer of capital from certain public stocks or funds in Great Britain to certain public stocks or funds in Ireland.
80. For raising the sum of nine millions, by exchequer bills, for the service of the year 1817.
81. For raising the sum of 3,600,000*l.* British currency, by treasury bills, in Ireland, for the services of the year 1817.
82. To continue an act passed in Ireland in the 13th and 14th years of his present majesty respecting certain annuities, so long as the said annuities shall be payable.
83. To amend an act made in the last session of parliament, for providing for the charge of certain additions to the public debt of Ireland.
84. To regulate the offices of his majesty's exchequer in England and Ireland respectively.
85. To permit, until the 14th of November, 1817, the importation of corn and other articles in any ship and from any country; to permit such articles which may have been warehoused for exportation only to be entered for home consumption: and for indemnifying all persons who have given

directions for the importation of corn and other articles, or the taking the same out of warehouse free of duty, and who have acted in obedience thereto.

86. To permit the importation of foreign cambricks and lawns into Ireland, on payment of the like duties as are chargeable in Great Britain.

87. To amend two acts passed in the 46th of his present majesty, and in the last session of parliament, for the making more effectual provision for the prevention of smuggling.

88. To permit fullers earth, fulling clay, and tobacco pipe clay to be carried coastwise under certain restrictions.

89. To allow the importation of oranges and lemons from the Azores and the Madeiras into the British colonies in North America.

90. For the prevention of persons going armed by night for the destruction of game; and for repealing an act, made in the last session of parliament, relating to rogues and vagabonds.

91. To enable justices of the peace to settle the fees to be taken by the clerks of the peace of the respective counties and other divisions of England and Wales.

92. To regulate the administration of oaths in certain cases to officers in his majesty's land and sea forces.

93. To regulate the costs of distresses levied for payment of small rents.

94. To amend an act of the last session of parliament, for the more easy assessing of county rates

95. To exempt the territories within the limits of the East India company's charter from certain of the navigation laws.

96. For suspending, until the 1st of August 1820, the duties on coals and culm removed coastwise within the principality of Wales, and granting other duties in lieu thereof.

97. For ratifying articles of agreement entered into by the right honourable Henry Hall viscount Gage, and the commissioners of his majesty's woods, forests, and land revenues; and for the better management and improvement of the land revenues of the crown.

98. For ratifying the purchase of the impropriate rectory of Saint Mary-le-bone in the county of Middlesex.

99. To consolidate and amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices; and for the support and maintenance of stipendiary curates in England.

100. To renew the powers of exonerating small livings and charitable institutions from the land tax, and for making further provision for the redemption of the land tax.

101. To continue an act, intituled "an act farther to extend and render more effectual certain provisions of an act passed in the 12th of George 1st, intituled 'An act to 'prevent frivolous and vexatious arrests;' and of an act passed in the 5th of George 2nd, to explain, amend, and render more effectual the said former act; and of two acts, passed in the 19th and 43rd of his present majesty, extending the provisions of the said former acts."

102. To defray the charge of the pay, cloathing, and contingent expenses of the disembodied militia in Great Britain, and of the miners of Cornwall and Devon; and for granting allowances in certain cases to subaltern officers, adjutants, quarter-masters, surgeons mates, and serjeant majors of militia, until the 25th day of March 1818.

103. For defraying until the 25th of June 1818, the charge of the pay and cloathing of the militia of Ireland; and for making allowances in certain cases to subaltern officers of the said militia during peace.

104. To reduce the number of serjeants, corporals, and drummers in the militia of Ireland, whilst disembodied.

105. To encourage the establishment of banks for savings in Ireland.

106. To provide for the establishment of asylums for the lunatic poor in Ireland.

107. To provide for the more deliberate investigation of presentments to be made by grand juries for roads and public works in Ireland, and for accounting for money raised by such presentments.

108. For the regulation of levying tolls at fairs, markets, and ports in Ireland.

109. To abolish the subsidy and alnage of the old and new draperies, and of all woollen manufactures, in Ireland; and to authorize the payment out of the consolidated fund of an annual sum to John lord de Blaquiere, during the continuance of his interest in the office of alnager.

110. To make further regulations for the better collecting and securing the duties upon spirits distilled in Ireland.

111. To suspend, until the 10th of October 1819, a part of the duties on sweets or made wines.

112. To amend an act of the 25th of his present majesty, for better regulating the office of treasurer of his majesty's navy, as far as respects the mode of applications for certain services in the victualling department.

113. To prevent the further circulation of dollars and tokens, issued by the governor and company of the bank of England, for the convenience of the public.

114. To continue, until the 1st of August 1818, two acts of his present majesty, allowing the bringing of coals, culm, and cinders to London and Westminster.

115. To extend the provisions of an act of the 12th of George 1st, and an act of the 22nd George 2nd, against payment of labourers in goods or by truck, and to secure their payment in the lawful money of this realm,

to labourers employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery.

116. For limiting the time now allowed by law for production of the certificate of due delivery of goods removed from one warehousing port in Great Britain to another for the purpose of exportation; for altering the hours for shipping goods in the port of London; and to empower officers of the customs and excise to permit the removal of goods from one bonding warehouse to another in the same port.

117. To regulate the issuing of extents in aid.

118. For authorizing the executors or administrators of deceased licensed navy agents to receive prize money, bounty money, and other allowances of money upon orders given to such deceased agents.

119. To exempt British and Irish stone bottles, made and used for the sole purpose of containing liquid blacking, from the duties of excise on stone bottles granted by an act of this session of parliament,

120. To authorize the court of directors of the East India company to make extraordinary allowances, in certain cases, to the owners of certain ships in the service of the said company.

121. For regulating payments to the treasurer of the navy under the heads of old stores and imprests.

122. To extend the provisions of an act of the 12th of George 1st, and an act of the 22nd of George 2nd, against payment of labourers in goods or by truck, and to secure their payment in the lawful money of this realm, to labourers employed in the collieries, or in the working and getting of coal, in the united kingdom of Great Britain and Ireland; and for extending the provisions of the said acts to Scotland and Ireland.

123. For imposing a duty of excise on the excess of spirits made from corn in England above the proportion of nineteen gallons of spirits for every one hundred gallons of wash; and for further securing the duties on wort or wash made for distilling spirits in England; and for authorizing the shipment of rum for stores in casks containing sixty gallons.

124. To amend an act made in the present session of parliament, for authorizing the issue of exchequer bills, and the advance of money for carrying on public works and fisheries, and employment of the poor.

125. To authorize the driving and keeping a hackney coach or chariot under the same licence.

126. To repeal an act, passed in the 54th of his present majesty, for the punishment of persons destroying stocking or lace frames, and articles in such frames; and to make until the 1st of August 1820, other provisions in lieu thereof.

127. To settle the share of prize money, droits of admiralty, and bounty money payable to Greenwich hospital, and for securing to the said hospital all unclaimed shares of vessels found derelict, and of seizures for breach of revenue, colonial, navigation, and slave abolition laws.

128. For extending the exemptions from the duties granted by certain acts of the 43rd and 45th of his present majesty's reign, in dwelling houses in Scotland; and for altering the manner of claiming and ascertaining the exemptions to be granted.

129. For vesting in his majesty a certain part of the open commons and waste lands within the manor or royalty of Rialton and Retraighe alias Reterth in the parish of Saint Columb Major, in the county of Cornwall.

130. To encourage the establishment of banks for savings in England.

131. For the better regulation of polls, and for making other provisions touching the election of members to serve in parliament for places in Ireland.

132. For applying certain monies therein mentioned for the service of the year 1817, and for further appropriating the supplies granted in this session of parliament.

INDEX

TO VOL. XXXVI.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

Abolition and Compensation Offices Bills, 1254.
Academical Society, 1, 93.

Burdett, Sir Francis, *v.* the Speaker and Serjeant of the House of Commons, 1299.

Circular Letter; Lord Sidmouth's, 87, 106, 445, 531.
Clergy Residence Bill, 1277.
Colchester, Lord, 888.

Extents in Aid, 296.

Gas-Light Companies, 559.

Habeas Corpus Suspension Bill, 959, 972, 975, 1044.

Irish Grand Jury Presentments Bill, 1368.

Libel Law, 531.

Military and Naval Officers Oaths Bill, 1204.

Persons confined under the Habeas Corpus Suspension Act, 972.
Poor Employment Bill, 928.
Poor Laws, 297, 1365.
Prince Regent's Message respecting the continuance of Seditious Practices, 859.
Prince Regent's Speech at the Close of the Session, 1448.

Report of the Secret Committee respecting certain Dangerous Meetings and Combinations, 949.
Right of Magistrates to visit State Prisoners, 869.
Roman Catholic Question, 266, 442, 600, 858.

Saving Banks Bill, 1278.
Secret Committee appointed, 860.
Sidmouth, Lord; his Circular Letter, 87, 106, 445, 531.
Slave Trade, 1366.
Speaker of the House of Commons approved by the Prince Regent, 856.
Speaker of the House of Commons; his Speech to the Prince Regent, on presenting the Appropriation Bill, 1446.
State Prisoners; Right of Magistrates to visit, 869.

Tomkins's Picture Lottery Bill, 956.

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Academical Society, 17, 83.
Abolition of Sinecures, 128, 689.
Administration of Justice in Wales, 97.
Ale-houses Licences Bill, 910, 1298.
Alien Proprietors of Bank Stock, 252.
Army Estimates, 516, 537.

Bank Stock; Alien Proprietors of, 252.
Bankrupt Laws, 819.
Breach of Privilege, 107, 243, 882.
Budget, the, 1098.

Canning, Mr.; his embassy to Lisbon, 160.
Chimney Sweepers, 889, 1155.
Civil and Military Offices Continuance Bill, 3, 596.
Civil Services Compensation Bill, 691, 933.
Clergy Residence Bill, 88, 683.
Colchester, Lord, 884, 890, 909, 916.
Contempt of Court; Imprisonment for, 158.
Convict Department at Cork, 822.
Copy Right Bill, 1063.
Cotton Yarn; Exportation of, 235.

Denmark; Confiscation of property in, 1144.
Droits of Admiralty, 1268.

Education of the Poor, 822, 1304.

Election Laws Amendment Bill, 1144.
Elections; Duration of, 256.
Employment of the Poor Bill, 569, 818.
Evans, Thomas, Petition of, 1205, 1278, 1282.
Exchequer Bills; Issue of, for purposes of Local and Temporary Relief, 27.
Extents in Aid, 830, 914, 933.

Finance Committee, 50, 128.
Finance Resolutions, 1188, 1281, 1336.
Finances; State of the Public, 1336.
Flogging in the Army, 272, 300, 574.
Forfeited Recognizances in Ireland, 533.

Game Preservation Bill, 126, 921.
Griffiths, Thomas; Petition of, 535.

Habeas Corpus Suspension Act, 576, 685, 938, 1077, 1109, 1145, 1198, 1208.
Haslemere Election, 945, 1040.
Herries, Mr.; his appointment, 273.

Imprisonment for Contempt of Court, 158.
Imprisonment, Wrongous, at Glasgow, 237.
Ireland, State of 1076.
Irish Grand Jury Presentments Bill, 115, 562, 959, 1268.
Irish Finances; State of the, 578.
Irish Insurrection Act, 812, 835, 960.
Irish Window and Carriage Tax, 823.

Justices in Eyre Abolition Bill, 689.

Lead Mines Bill, 92.
Linen Transit Duties, 826.
London Tithes Bill, 120.
Lottery Bill, 686.

Manners, Mr. George, 1320.
Maynooth College, 1306.
Military Flogging, 272, 300, 574.

Newfoundland Trade, 1023, 1293.

Parliamentary Reform, 704.
Petitions relating to Reform, 15, 21, 96, 701.
Ponsonby; The right hon. George, 1373.
Poole, Mr.; Communications between the Home Department and, 813.
Prince Regent's Message respecting Lord Colchester, 885.
Prince Regent's Message respecting Seditious Meetings, 897.
Prisoners in the Tower; Lists of Witnesses served on the, 882.
Punishment; Undue Remission of, 535.
Punishment of Whipping Females, 932.

Reform; Petitions relating to, 15, 21, 96, 701.
Reform in Parliament, 704.
Report of the Committee of Secrecy, 1081, 1088.
Roman Catholic Question, 3, 96, 301.
Ryan, Mary; Case of, 257.

Salt Laws Bill, 48.
Saving Banks Bill, 680, 833.
Seditious Meetings; Prince Regent's Message relating to, 897.
Septennial Act, 812, 1187.
Sinecures; Abolition of, 128, 689.
Sidmouth, Lord; his Circular Letter, 1158.
Slave Trade, 1321.
Small Debts; Recovery of, 25.
Speaker; Resignation of the, 842.
Speaker; Choice of a, 843.
Spies and Informers, 1016, 1069.
State Prisoners; Right of Magistrates to visit, 1025.
Steam Vessels, 271, 1302.
State of the Nation, 1377.

Third Secretary of State, 51.
Thirlwall, Rev. Thomas, 107, 243.
Tithe Exemptions Bill, 1070.
Tithes Leasing Bill, 294.
Transubstantiation, 1157.

Usury Laws Repeal Bill, 100, 1266.

Wales; Administration of Justice in, 97.
Wool Trade, 94.
Wooler, Mr.; Petition of, 1190.
Wrongous Imprisonment at Glasgow, 237.

INDEX OF NAMES.—HOUSE OF LORDS.

Arden, Lord, 1265.

Bathurst, Earl, 665, 1266.
Bedford, Duke of, 1044.
Blessington, Earl of, 1372.
Buckingham, Marquis of, 866, 868.

Caledon, Earl of, 1372.

Camden, Marquis, 1051.
Canterbury, Archbishop of, 1277.
Chester, Bishop of, 511.

Darnley, Earl of, 1, 93, 271, 653.
Donoughmore, Earl of, 266, 444, 600, 604, 858, 1048, 1370.

Eldon, Lord, *see* Lord Chancellor.
Ellenborough, Lord, 496.
Erskine, Lord, 499, 531, 956, 981, 1265, 1300.
Essex, Earl of 1050.

Fitzwilliam, Earl, 442.

Grenville, Lord, 656, 1013, 1366.
Grey, Earl, 87, 106, 443, 445, 511, 667, 860, 868, 869, 873, 959, 973, 974, 996.
Grosvenor, Earl, 864, 972, 987, 1264.

Hardwicke, Earl of, 1365.
Harrowby, Earl of, 638, 1060, 1262.
Holland, Lord, 299, 445, 505, 858, 866, 868, 869, 877, 1061.

Kenyon, Lord, 443, 444, 561.
King, Lord, 994.

Lansdowne, Marquis of, 1009, 1372.
Lauderdale, Earl of, 296, 559, 561, 930, 959, 1258.
Limerick, Earl of, 1049, 1371.
Liverpool, Earl of, 87, 296, 297, 645, 863, 875, 889, 928, 1005, 1254, 1365, 1368.
Llandaff [Dr. Herbert Marsh], Bishop of, 614.
Lord Chancellor (Eldon), 87, 106, 297, 444, 502, 561, 603, 674, 857, 859, 876, 1062, 1264, 1299.

Melville, Viscount, 1204.
Montrose, Duke of, 986.

Norwich [Dr. Henry Bathurst], Bishop of, 620, 677.

Ossory [Dr. Robert Fowler], Bishop of, 626, 858.

Redesdale, Lord, 991, 1263.
Rolle, Lord, 973, 974.
Rosslyn, Earl of, 297, 875.

Sidmouth, Viscount, 2, 509, 859, 860, 868, 872, 959, 975, 1051.
Somers, Lord, 1052.
Spencer, Earl, 93, 877, 1014.
St. John, Lord, 299, 1051.
Sussex, Duke of, 1015.

Wellesley, Marquis, 1053.
Westmoreland, Earl of, 1047.

INDEX OF NAMES.—HOUSE OF COMMONS.

Abbot, right hon. Charles, *see* Speaker.
Abercrombie, James, 100, 116, 229, 822, 831, 1079, 1118, 1269.
Acland, Sir Thomas Dyke, 233, 252.
Addington, John Hiley, 261, 815, 941, 1153, 1179, 1205, 1278, 1285, 1420.
Althorp, Viscount, 1122.
Atkins, Alderman John, 86, 262.
Attorney-General (Sir William Garrow), 97.
Attorney-General (Sir Samuel Shepherd), 883, 1029, 1078, 1172, 1193, 1195, 1414.

Babington, Thomas, 40, 683.
Bankes, Henry, 155, 540, 698, 893, 895, 920, 946, 1040, 1067, 1129.
Bankes, George, 127, 926, 1217.
Barclay, Charles, 250, 681, 1119.
Barham, J. F. 74, 902, 1206, 1217, 1281, 1282, 1335, 1422.
Baring, Alexander, 1298, 1357.
Bathurst, Charles Bragge, 19, 81, 84, 239, 243, 263, 396, 599, 818, 900, 908, 944, 946, 1085, 1204, 1207.
Bennet, Hon. Henry Grey, 107, 158, 249, 251, 273, 535, 822, 882, 890, 907, 910, 1020, 1155, 1205, 1207, 1208, 1280, 1287, 1298, 1304, 1415.
Beresford, Admiral, 178.
Binning, Lord, 78.
Blake, Valentine, 8, 33, 971.
Boswell, Alexander, 131, 689, 915.
Bourne, Sturges, 682.
Brand, Thomas, 681, 729, 901, 946, 1042, 1043.
Brougham, Henry, 20, 21, 43, 85, 154, 155, 223, 244, 296, 529, 569, 573, 683, 688, 693, 811, 822, 1020, 1022, 1035, 1068, 1078, 1087, 1133, 1187, 1196, 1252, 1303, 1320, 1321, 1332, 1377, 1408, 1439.
Browne, Anthony, 72, 1334.
Browne, D. 563, 842.
Brydges, Sir Egerton, 39, 1063.

Burdett, Sir Francis, 96, 159, 174, 233, 272, 575, 704, 941, 945, 948, 1016, 1021, 1040, 1041, 1043, 1068, 1069, 1180, 1189, 1197, 1239, 1290, 1291, 1408, 1446.
Burrell, Walter, 94.
Burrell, Sir Charles, 853, 925.
Burroughs, Sir William, 527, 528, 547, 819, 841, 905, 944, 969, 1178.
Butterworth, Joseph, 47, 125, 1306, 1317.

Calcraft, John, 50, 113, 521, 542, 557, 915, 936, 1266.
Calvert, C. 113.
Canning, Right Hon. George, 155, 178, 232, 248, 423, 920, 936, 942, 1080, 1137, 1296, 1423.
Cartwright, W. R. 232.
Castlereagh, Viscount, 3, 97, 134, 144, 167, 246, 250, 262, 287, 396, 528, 558, 577, 685, 843, 855, 886, 890, 897, 907, 909, 916, 935, 1020, 1021, 1037, 1070, 1079, 1081, 1109, 1158, 1200, 1268, 1292, 1321, 1330, 1376, 1396, 1419, 1446.
Cavendish, Lord George, 1204.
Chancellor of the Exchequer (Right Hon. Nicholas Vansittart), 27, 32, 35, 38, 40, 41, 43, 51, 104, 114, 156, 254, 277, 569, 571, 594, 688, 824, 825, 830, 886, 888, 895, 896, 916, 917, 1098, 1297, 1352.
Cochrane, Lord, 15, 36, 600, 752, 1041, 1153, 1208, 1423.
Colthurst, Sir Nicholas, 566, 960, 1077, 1277.
Cooper, E. S. 115, 120, 562, 960.
Courtenay, William, 118, 1132, 1179.
Croker, John Wilson, 1068.
Curtis, Sir William, 120, 1151.
Curwen, John Christian, 272, 527, 756, 882, 899, 923, 948, 1023, 1070.

Davis, Hart, 1025, 1216.
Deerhurst, Lord, 922, 1152.
Desart, Lord, 568.
Dickinson, William, 848.
Douglas, Hon. F. S. 1145.
Douglas, W. K. 700, 1296.
Dundas, William, 1079.

Ebrington, Lord, 92, 294, 557, 684.
Elliot, William, 393, 1132.

Fergusson, Sir R. 15, 524, 1203.
Finlay, Kirkman, 238, 826, 1068, 1081.
Fitzgerald, Maurice, 567, 595, 825.
Fitzgerald, Vesey, 120, 568, 587, 824, 838, 887, 959, 964, 1277, 1320.
Flood, Sir Frederick, 47, 103, 120, 557, 566, 841, 972, 1268.
Folkestone, Viscount, 897, 907, 909, 939, 1025, 1081, 1141, 1202, 1204, 1207.
Foster, Leslie, 118, 304, 568, 839.
Fremantle, W. H. 148.

Garrow, Sir William, *see* Attorney-General.
Gascoyne, Isaac, 1202.
Gifford, Sir Robert, *see* Solicitor-General.
Gilbert, Davies, 49, 50, 93, 95, 128.
Gordon, Robert, 126, 229, 937.
Goulburn, Henry, 64, 527, 928, 1025, 1335.
Graham, Sir James, 125.
Grant, J. P. 138, 238, 537, 557, 572, 578.
Grant, George, 548.
Grant, Charles, jun. 19, 42, 292, 682, 1213, 1281, 1343.
Grattan, Henry, 96, 301, 428, 823.
Grenfell, Pascoe, 16, 35, 253, 256, 687, 933, 1153, 1357.
Gurney, Hudson, 926, 1198.

Hamilton, Lord Archibald, 687, 700, 1039, 1078.
Hammersley, Hugh, 833, 938.
Harvey, Charles, 271, 1302.
Heron, Sir Robert, 691, 938.
Hill, Sir George, 1077, 1270, 1317.
Hippisley, Sir John Cox, 347, 1313.
Huskisson, William, 144, 681, 1359.

Jocelyn, Lord, 840.

Keck, G. A. L. 1118.
Knatchbull, Sir E. 128.
Knox, Thomas, 827, 972.

Lamb, Hon. William, 36, 789, 905, 1087, 1225, 1373.
Lambton, J. G. 160, 233.
Lascelles, Lord, 92, 95, 596, 598, 599, 1085, 1088, 1145.
Lefevre, Shaw, 252, 913.
Lewis, Frankland, 95, 128, 833, 1296.
Littelton, E. J. 846.
Lockhart, John, 104, 112, 127, 296, 573, 682, 821, 832, 1147.
Long, Charles, 1041.
Lord Advocate of Scotland (Mr. Maconochie), 1250.
Lord Mayor (Alderman Matthew Wood), 1149, 1155, 1250.
Lyttelton, Hon. W. H. 41, 232, 523, 686, 688, 890.

Macdonald, James, 100, 1206.
Mackintosh, Sir James, 232, 257, 264, 598, 599, 813, 817, 1144, 1229.
Manning, William, 256.
Marryat, James, 69, 147, 830, 1335.

INDEX.

Martin, Henry, 106, 264, 296.
Mathew, Montague, 6, 423, 566, 701, 840, 970.
Milton, Viscount, 20, 38, 77, 93, 148, 154, 228, 549, 683, 690, 811, 818, 889, 905, 1080, 1082, 1083, 1129.
Mitchell, General, 1268.
Monck, Sir Charles, 126, 896, 1180.
Moore, Peter, 947, 1206, 1331.
Morland, S. 688.
Mosley, Sir Oswald, 112, 235.

Newman, R. W. 296, 1296.
Newport, Sir John, 39, 105, 119, 147, 249, 255, 535, 568, 578, 595, 688, 824, 833, 888, 899, 915, 972, 1025, 1076, 1132, 1199, 1201.
Nicholl, Sir John, 14, 735, 843.
Nugent, Lord, 525, 1219.

Onslow, Mr. Serjeant, 100, 832, 853, 913, 933, 1303.

Palmerston, Viscount, 295, 516, 524, 1067.
Parnell, Sir Henry, 3, 350, 594, 838, 920, 947, 961, 1267, 1277, 1306, 1320, 1354.
Peel, Robert, 117, 157, 404, 533, 552, 565, 566, 811, 829, 837, 967, 1275.
Philips, George, 34, 235, 682.
Phillimore, Dr. 121, 1218.
Phipps, General, 525.
Piggott, Sir Arthur, 1087.
Plunkett, W. C. 811, 825.
Ponsonby, George, 3, 32, 38, 79, 97, 117, 156, 247, 255, 263, 291, 295, 525, 554, 566, 567, 576, 592, 596, 598, 599, 886, 894, 917, 918, 919, 921, 943, 1068, 1080, 1086, 1113, 1195, 1203, 1276.
Preston, R. 682.
Prittie, F. A. 117.
Protheroe, Edward, 905, 1025, 1216, 1296.

Quin, W. 841.

Ridley, Sir Matthew White, 19, 43, 75, 83, 99, 849, 916, 1377.
Robinson, Hon. Frederick, 148, 545, 828, 937, 1295.
Romilly, Sir Samuel, 25, 237, 247, 262, 783, 817, 820, 835, 965, 1032, 1067, 1076, 1122, 1158, 1185, 1203, 1252, 1305.
Rose, George, 572, 680, 681, 819.
Russell, Lord William, 892.

Savile, Albany, 296.
Scott, Sir William, 124, 295, 684, 1076.
Sebright, Sir John, 926.
Sharp, Richard, 229.
Shaw, Sir James, 124.
Shaw, Benjamin, 1286.
Shaw, Robert, 823.
Shepherd, Sir Samuel, *see* Attorney-General.
Shiffner, George, 95.
Simeon, Sir John, 160.
Smith, William, 16, 125, 128, 157, 158, 246, 257, 272, 819, 903, 914, 947, 1042, 1206, 1335, 1356, 1423.
Smith, John, 819, 932.
Smyth, J. H. 77, 295, 700, 1335.
Solicitor-General (Sir Robert Gifford), 1034, 1182, 1197.
Speaker, The (Right Hon. Charles Abbot) 49, 113, 114, 243, 842, 1043.
Speaker, The (Right Hon. Charles Manners Sutton), 357, 881, 906, 919, 948, 1183, 1291.
Stanhope, Colonel, 1239.
Stanley, Lord, 237.
Sumner, G. H. 886, 896, 913, 916, 1288.
Sutton, Manners, 88, 273, 300, 574, 850. *See* Speaker.

Taylor, Michael Angelo, 1023, 1293.
Thompson, Thomas, 832.
Thornton, General, 91, 680, 932, 1157.
Tierney, George, 50, 51, 149, 229, 283, 597, 685, 803, 895, 917, 934, 1188, 1336.

Vernon, Hon. G. V. 1148.
Vansittart, Nicholas, *see* Chancellor of the Exchequer.

Walpole, General, 523.
Ward, Hon. John William, 686, 758, 918.
Ward, Robert, 1042.
Warre, J. A. 229, 523, 1216.
Webber, John, 8, 352.
Webster, Sir Godfrey, 1249.
Wellesley, Long, 818.
Western, C. C. 94, 570, 682.
Wilberforce, William, 17, 76, 683, 686, 853, 925, 1025, 1120, 1157, 1248, 1321.
Wood, Alderman Matthew, *see* Lord Mayor.
Wood, Thomas, 834, 921, 928.
Wortley, Stuart, 906, 913, 1288, 1291.
Wrottesley, Henry, 113, 933.
Wynn, Charles Watkin Williams, 99, 114, 243, 244, 252, 256, 851, 885, 887, 888, 893, 894, 920, 1020, 1023, 1039, 1069, 1144, 1183, 1185, 1201.

Yorke, Charles, 339.

END OF VOL. XXXVI.

Printed by T. C. Hansard, Peterborough-Court,
Fleet-Street, London.

UL - 9 AUG 1961